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# Rookery Bay Estuarine Sanctuary

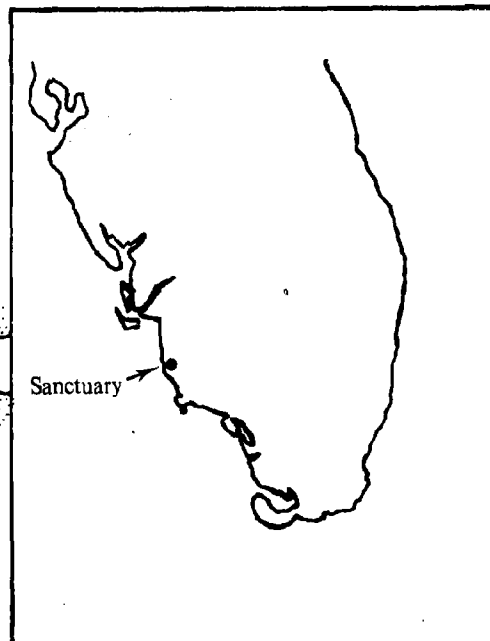
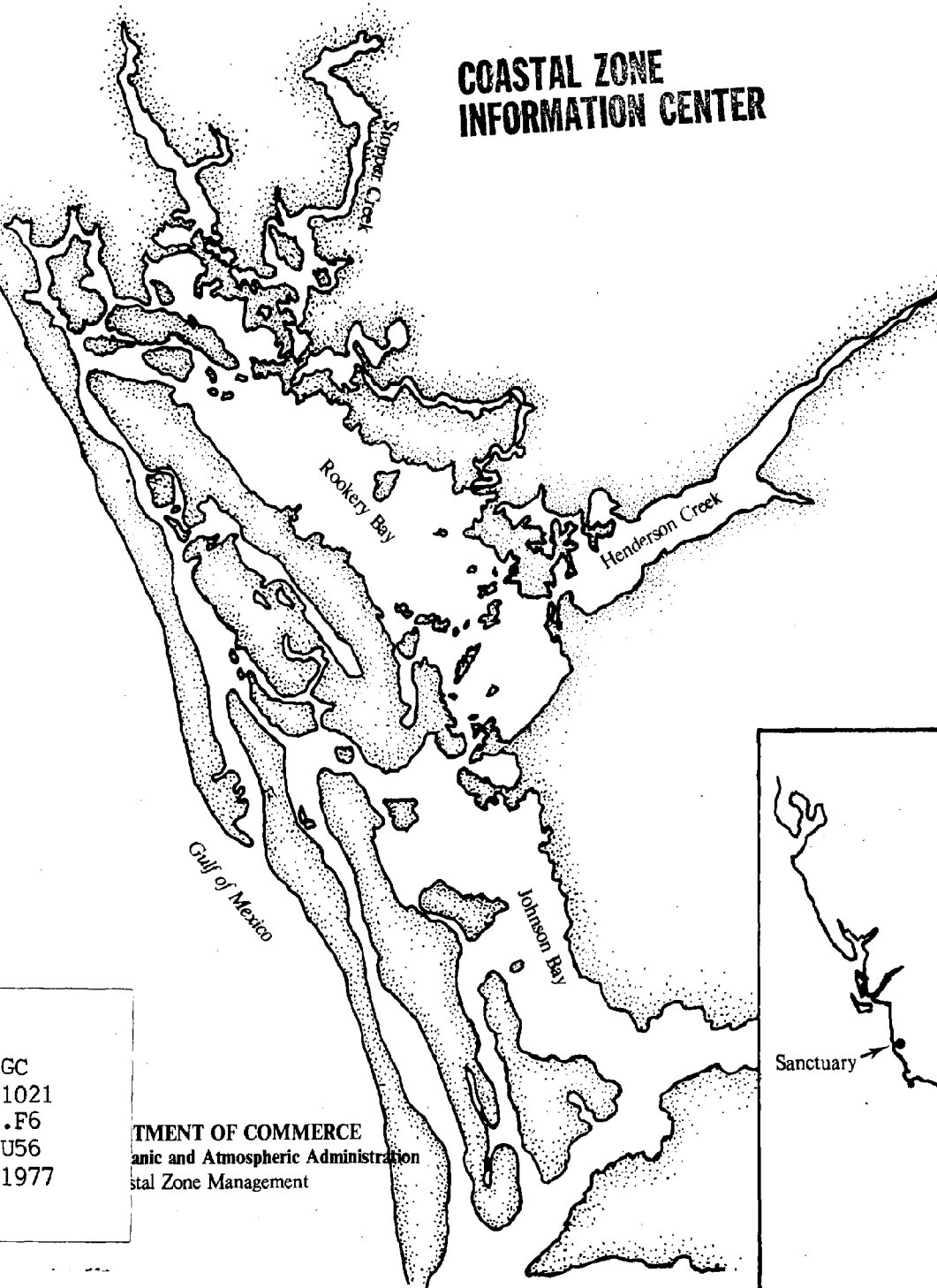
## Proposed Grant Award

### Final Environmental Impact Statement

### Proposed Estuarine Sanctuary in Florida



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DEPARTMENT OF COMMERCE  
Marine and Atmospheric Administration  
Coastal Zone Management

U.S. National Oceanic & Atmospheric Administration - Office of Coastal Zone Management

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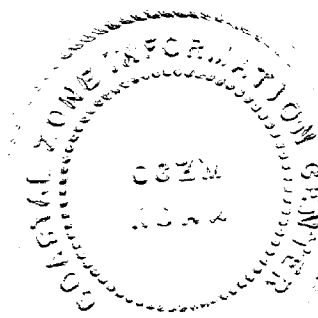
UNITED STATES  
DEPARTMENT OF COMMERCE

**COASTAL ZONE  
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FINAL  
ENVIRONMENTAL IMPACT  
STATEMENT

SEP 19 1977

PROPOSED  
ESTUARINE SANCTUARY GRANT AWARD  
FOR  
ROOKERY BAY, COLLIER COUNTY, FLORIDA  
TO  
STATE OF FLORIDA



Prepared by:

Office of Coastal Zone Management  
National Oceanic and  
Atmospheric Administration  
Department of Commerce  
3300 Whitehaven Street, N.W.  
Washington, D.C. 20235

29 AUG 1977

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Summary

( ) Draft Environmental Impact Statement

(x) Final Environmental Impact Statement

Department of Commerce, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management

For additional information about this proposed action or this statement, please contact:

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or

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Phone: 202/634-4243

1. Proposed Estuarine Sanctuary Grant Award, Rookery Bay, Collier County, Florida

(x) Administrative

( ) Legislative

2. The Office of Coastal Zone Management proposes to award a grant to the State of Florida to acquire, develop, and operate an estuarine sanctuary in Rookery Bay, in accordance with Section 315 of P.L. 94-370 (the Coastal Zone Management Act Amendments of 1976). Boundaries of the existing 5,400 acre, privately maintained Rookery Bay Sanctuary would be expanded to include adjacent mangrove and up-land transitional areas resulting in about 8,500 acres of land and water under State control.
3. The acquisition and operation of the estuarine sanctuary would primarily serve to maintain the long-term natural integrity of the Rookery Bay estuarine system. If established, the estuarine sanctuary will preserve in perpetuity a West Indian estuarine system to serve as a living laboratory for providing information crucial to wise management of State and national estuarine resources. Negative impacts are potential conflicts between the sanctuary and adjacent owners in terms of drainage projects, mosquito control activities, and restrictions imposed by scientific research which conflicts with traditional users. The most apparent adverse economic impact will be tax revenue loss which, in part, will be offset by acquiring and operating lands.

The sanctuary will benefit the area by maintaining a major unspoiled area of coastal wetlands that are a scenic and recreational amenity to the residents of Naples and Collier County. It will protect an essential breeding, feeding and nursery ground of marine and birdlife that provide food, recreation and beauty. The research conducted will help guide the State, industry and individuals in the proper conservation and management of its coastal and marine resources. It has been suggested that since the attraction of Naples is the clean, unspoiled atmosphere of the area that the sanctuary will increase the economic value of developed and developable real estate in the Naples area which should offset the potential loss of tax revenues.

4. Alternatives considered:

- a. Alternative estuarine sites within Florida.
- b. Alternative boundaries for the proposed site.
- c. Alternative management programs.
- d. Alternative methods of acquisition and protection.
- e. Alternative actions by the Office of Coastal Zone Management:
  - (1) Refuse awarding the grant;
  - (2) Delay awarding the grant.

5. List of all Federal, State, and local agencies and other parties from which comments have been requested.

Federal

Department of Agriculture

Agricultural Stabilization and Conservation Service

Forest Service

\* Soil Conservation Service

Rural Electrification Administration

Agriculture Research Service

\* Indicates comments received.

Department of Defense  
Army Corps of Engineers  
Navy  
\* Air Force

Department of Transportation  
Coast Guard  
Transport and Pipeline Safety  
Federal Aviation Administration  
Federal Railroad Administration

\* Department of Housing and Urban Development

\* Department of the Interior  
Bureau of Land Management (public lands)  
Office of Oil and Gas  
Bureau of Outdoor Recreation  
Fish and Wildlife Service  
Geological Survey  
National Park Service  
Bureau of Reclamation  
Bureau of Mines  
Bonneville Power Administration

Environmental Protection Agency

U. S. Water Resources Council

Department of Health, Education and Welfare  
Public Health Service

\* Nuclear Regulatory Commission

Department of Justice

Energy Research and Development Administration

Federal Energy Administration

Federal Power Commission

\* General Services Administration

National Aeronautics and Space Administration (remote sensing)

Advisory Council on Historic Preservation

\* Department of Commerce

Council on Environmental Quality

Department of the Treasury

#### State

Florida Department of Natural Resources

Florida Department of Environmental Regulation

Division of State Planning

Florida Game and Fresh Water Commission

#### Local

Collier County Commission

Collier County Free Public Library  
Branches in: Naples, Everglades,  
Golden Gate, Immokalee, and Marco  
Island

\* Indicates comments received.

#### Environmental Groups

American Littoral Society  
American Shore and Beach Protection Association  
Conservation Foundation  
Environmental Defense Fund  
\*Environmental Action Group  
Environmental Policy Center  
Izaak Walton League  
\*National Audubon Society  
National Wildlife Federation  
Natural Resources Defense Council  
\*The Nature Conservancy  
Sierra Club  
\*Florida Audubon Society  
\*Florida Chapter of the Wildlife Society  
Wilderness Society  
Wildlife Management

#### Professional

American Institute of Architects  
American Institute of Planners  
American Society of Civil Engineers  
Associated General Contractors of America  
The Coastal Society  
American Fisheries Society

#### Private Sector

American Farm Bureau Federation  
National Forest Product  
National Fisheries Institute  
National Cannery Association  
National Federation of Fishermen  
American Petroleum Institute  
Interstate Natural Gas Association of America  
Western Oil and Gas Association  
National Association of Electric Companies  
Atomic Industrial Forum

\*Indicates comments received.

Chamber of Commerce

Urban Land Institute

National Association of Home Builders

National Association of Realtors

Mortgage Bankers Association of America

American Association of Port Authorities

American Waterways Operators

World Dredging Association

American Mining Congress

National Ocean Industries Association

Boating Industries Association

National Boating Federation

National Association of State Boating Law Administrators

Sport Fishing Institute

National Environmental Development Association

United Brotherhood of Carpenters and Joiners of America

National Security Industrial Association

American Society of Consulting Planners

American Society of Landscape Architects

International Council of Shopping Centers

National Society of Professional Engineers

National Forest Products Association

Public Interest

National League of Cities

U.S. Conference of Mayors

National Association of Counties

National Association of Regional Councils

National Governors' Conference

National Conference of State Legislators

Council of State Governments

League of Women Voters

Coastal States Organization

\*Ronald R. Gillian

\*Indicates comments received.

Public Hearing Speakers (July 26, 1977)

\*W. V. Merrihue

\*Charles Callison

\*Charles Futch

\*Enid Jones

6. This Final Environmental Impact Statement has been prepared based on oral/written comments received at the public hearing held on July 26, 1977, and comments submitted in response to a request for comments. A total of 18 interested parties submitted written comments and were distributed as follows:

Federal Agencies	7
State	0
Local	0
Public	7
Speakers at public hearing	4
	<hr/>
	18

All written comments received are included in appendix 1. Comments written and presented at the public hearing are discussed below:

Comment

Response

1. U.S. Department of Agriculture, Soil Conservation Service  
William E. Austin (7/13/77)

- Efforts should be made to acquire to remainder of the section in which parcel 3 is located. A significant portion of the Henderson Creek drainage basin would then be in a buffer zone.
- If there is to be limited sport or commercial fishery recreational activities, etc., an annual monetary loss should be shown.

- The areas scheduled for acquisition are those areas deemed feasible and necessary for buffering the core area of the estuary. The state has the option to modify the boundaries, with OCZM approval, if the conditions for doing so exist.
- Present levels of fishing will be allowed in the sanctuary. However, if information is obtained that indicates the resources are being overfished fishing regulations will be established.

2. Department of the Air Force  
Luis F. Dominguez (7/20/77)

- We find no adverse impact on the Air Force.

- No response necessary.

3. National Marine Fisheries Service  
Donald P. Martineau (Aug 10, 1977)

- In regard to the DEIS, there is concern with the statement's perfunctory discussion of alternative. There is a strong impression that funding this action has become an irrevocable decision and that only the briefest treatment of alternative is, therefore, warranted.

- The alternatives section is brief as indicated above because the basic alternative is to accept or reject the state's application. Minor modification could be made to the proposed (boundary, etc.) through negotiations. Rejection of the area would, however, indicate that the selection process used by the state was defective or that the management system was not suitable. To do so would take evidence or sufficient doubt to the contrary. In lieu of evidence or sufficient doubt the outcome of the process will be a grant.



## Comment

- The statement should note that the multiple use of the estuarine sanctuaries continue to allow low intensity fishing and hunting. . .
- Similar concern was expressed as the U.S. Fish and Wildlife Service as to brevity of alternative discussion.
- Relative to the reference section it was indicated that the studies were not identified in the text.

4. Department of Health, Education and Welfare  
Region IV  
Philip P. Sayre (August 2, 1977)

- Proposed action will have only a minor impact upon the human environment.

5. Department of Housing and Urban Development  
Robert C. Embry, Jr.

- The comments made indicate that the information contained in the 12 volume series of studies referenced should have been included in the DEIS. Also, the DEIS did not discuss proposed land uses or zoning.
- As far as we can determine, the State of Florida has not completed its Coastal Zone Management Plan nor submitted it to the Office of Coastal Zone Management for approval. Therefore, the relationship of the proposed estuarine sanctuary to the Coastal Zone Plan is unknown. The DEIS should be coordinated with and referenced to the Coastal Zone Plan.

6. Department of the Interior, Office of the  
the Secretary  
James H. Lee (August 9, 1977)

- The draft statement is very brief and would be improved by including additional specific information on the area itself.
- It would be improved by describing the plans for its management and what activities will be foregone when the sanctuary is established.

## Response

- As indicated previously with reference to the rules and regulations appendix 2, the multiple use aspects are elaborated in section 921.3 and 921.5. The sanctuary will exist primarily for research and educational purposes.

- This issue has been addressed two times previously in the comment/reply section

- The description of the studies identified in the reference section has been modified to more clearly indicate that a 12 volume series of articles exists that describe the area to the maximum detail possible at the time.

- No response needed.

- As indicated previously, OCZM chose to reference the documents rather than include them into or select portions. The study is readily available and includes an excellent summary (although 90 pages long) and the remaining volumes describe the areas of environment, social and economic aspects.

- The DEIS indicates the estuarine sanctuary will be utilized to assist in coastal management decisions. Neither the statute nor the legislative history indicates that a state must have an approved coastal management program before applying for an estuarine sanctuary grant. In fact, it was hoped the sanctuary provision might aid in development of a program. Other requirements of the Coastal Zone Management Act precluded establishment of an estuarine system prior to program approval; however, it should be valuable in the long term implementation of coastal management. The sanctuary is to be managed in harmony with the developing Florida program and altered as needed after the Florida Coastal Management Program is approved.

- The document was intentionally made brief. An outstanding detailed set of documents prepared by the Conservation Foundation was referenced to fully characterize the area. This set is readily available at libraries.

The sanctuary is an expansion of an area privately established by the National Audubon Society, the Nature Conservancy, and the Collier County Conservancy and has been functional for a number of years. The public has had access to the area for recreation,

and similar pursuits. Such uses will continue. The state will promulgate standard rules and regulations that have been developed for similar state areas.

The estuarine sanctuary rules and regulations contained in the DEIS discuss multiple uses. (Section 921.5 as well as the basic management thrust of an area selected as an estuarine sanctuary - section 921.3.) The management agreement establishes a three member management team that will be responsible for insuring public uses do not diminish the primary purposes of research and education.

- The statement is deficient in its assessment of the value of the site or area as a recreation resource before and after action implementation.
- The document should address more fully how the State preserve will be managed, whether or not the general public will be excluded and what is meant by an estuarine sanctuary.
- Both figure 1 (page 4) and the legend (page 5) require some explanation. For example, the BLM designation on the map in parcel #5 is shown on the legend as Collier County School Board.
- The description of the Environment Affected section should describe the developments and the probable future environment without implementation of the proposed action.
- The titles under Sections A, B, C on pages 6 and 7 should be changed and a more thorough discussion presented of the area's biological system.
- The impact section should be expanded to discuss the adverse impacts of loss of resource use, land and water use restrictions and loss of revenues. In addition, it should emphasize the effort of the sanctuary on recreation.
- The area is presently privately held and thus public recreational opportunities are limited unless done by trespassers. Establishment as a sanctuary will provide for public recreation to the degree the management team deems compatible with the primary purposes. It is not intended that the area be a recreational area. To the extent recreation is allowed the beneficiaries are the citizens of Naples, Collier County and visitors to there.
- As indicated above, most of the area is presently managed as a sanctuary that is analogous to the purposes stated in the rules and regulations in the DEIS. The general public of Collier County is familiar with the area and present operations. Little change in operations is anticipated except to convert approximately 3000 acres presently in private holdings into the public domain. Public use will be controlled but not excluded. The present rules and regulations as posted in the existing sanctuary will remain.
- Changes have been made to clarify the figure. The exact ownership split in parcel #5 between BLM and the school board has not been settled. An agreement exists with BLM for management of their area and a similar one is anticipated with the school board.
- We have discussed the situation as it exists. The requested information appears in The Conservation Foundation's Study No. 10, Growth and Land Use.
- The titles have been changed. As indicated previously a 12 volume series of articles have been published and referenced in the DEIS describing the area in detail.
- The impact section has been modified to include a discussion of the positive impacts. It should be noted that some commentators believe strongly that the positive aspects include a net economic and tax benefit and there will not be an adverse effect from loss of resource or loss of tax revenue (see National Audubon Society's presentation at public hearing) Based upon 1975 valuation, approximately \$151,700 per year in tax revenues from the lands will be removed from the tax rolls. This value must be viewed, however, in reference to other factors that can not be specifically documented:

- (a) There will be an immediate influx of perhaps 90% of the \$3,000,000 expended into the local economy through the land acquisition.
- (b) The local government is working with a system of transfer of development rights which would change the value of some lands and the taxing structure.
- (c) The fact that land sales of the volume contemplated tend to set in motion other sales and purchases that tend to increase flow of money and values.
- (d) The belief by some of the leaders of the local community that a sanctuary adds to the attractiveness of the Naples area and that demand which allows for increased value of remaining land.

It should be noted again that the purpose of establishing the sanctuary is for research and educational activities leading to a better understanding of estuarine systems. Recreation will be allowed to the degree feasible.

- The discussion of the alternatives seem to be limited to justification. The viable alternatives and the various impacts of each should be addressed.
- At this point in time the only "viable alternatives" are (1) to accept or reject the application or (2) accept with conditions regarding management. The statute and rules and regulations require a state to select a site and request funds. Florida has selected this site and is requesting funding. There are no alternative sites unless the application is rejected. The management system as proposed is the only one available as evidenced by the attached agreement. Again there are no options unless the application is rejected. The statute provides for alternative means of control by the state and the implementing rules and regulations encourage the use of the entire array. Since Florida has proposed use of the entire array rather than fee simple acquisition alone, every option for control remains open.

OCZM could reject the proposal if it had evidence that the state had not used a proper selection process, if there existed strong differences of opinion as to the area, the area management was indicated to be in disharmony with state CZ plans local government plans; this is not the case.

As indicated in the draft statement, unless evidence, other than opinion, is presented to the contrary, the proposed area is acceptable to OCZM as part of the national system of estuarine sanctuaries.

- If possible, a copy of the dated and signed document should be included in Appendix 3.
- No copy was available.

7. Environmental Protection Agency  
Region IV  
 Frank M. Redmond, Jr. (July 29, 1977)

- No comments other than to express their support for the proposal.
- No response needed.

8. Environmental Action Group  
Kathleen Williams and Gene Storuem  
(August 3, 1977)

- We are interested in knowing what types and levels of recreation, fishing, hunting, wildlife observation and other scientific and educational activities, as provided for in the Act, will be permitted and what management plans have been formulated.
- Initial management will be the same as currently exists in the private conservation groups' sanctuary (which is the core of the proposed sanctuaries). As information is obtained by the management team defined in the agreement; (appendix 3) the changes may be implemented to assure the functional integrity of the sanctuary.

9. Florida Audubon Society  
Charles Lee, Vice President (July 26, 1977)

- The Florida Audubon Society strongly supports the Rookery Bay Estuarine Sanctuary proposal and urges the Office of Coastal Zone Management to proceed as quickly as possible in incorporating this important estuarine area into the National Sanctuary Program.
- No response necessary.

10. Florida Chapter of the Wildlife Society  
Nicholas R. Holler, (July 27, 1977)

- The DEIS and the lease agreement contained therein (appendix 3) fail to clarify the mechanisms whereby the FGFWFC (Florida Game and Fresh Water Fish Commission) will have input into research on and/or decision affecting this faunal group.
- The State of Florida has initiated action to develop an interagency agreement to rectify this omission.

11. Ronald R. Gilliam (August 3, 1977)

- Are there plans to monitor the water flowing through the sanctuary for pollution, since drainage there is naturally sluggish and the self-cleansing capacity of the areas above the reach of tidal action must be rather limited?
- The reference paper entitled Estuarine Water Quality described the situation as of June 1975. A monitoring program for water quality is in effect. There is concern over the Henderson creek water which will be watched closely. The local support for the project will simplify continued efforts toward clean up.

12. National Audubon Society  
Charles H. Callison, Executive Vice President  
(July 28, 1977)

- Supports the proposed sanctuary, feels EIS should be used as a model.
- No response necessary

13. Sport Fishing Institute  
Gilbert C. Rodonski, Executive Secretary  
(June 27, 1977)

- The Sport Fishing Institute fully supports the proposed grant award.
- The DEIS lacks a tabular presentation of the fishes and aquatic invertebrates of the estuary. A table of the format used in table 2, page 10 would be very desirable.
- Such a table has not been constructed. However, Study No. 5 - Estuarine Biology, of the Rookery Bay Land Use Studies conducted by the Conservation Foundation presents rather detailed information as to the relative abundance of the fishes and aquatic invertebrates community.

14. The Nature Conservancy  
Ray M. Culter, Director  
Land Stewardship  
(July 6, 1977)

- The Nature Conservancy wishes to declare its firm and continuing support for the Estuarine Sanctuaries Program, and in particular for the creation of the Rookery Bay Estuarine Sanctuary.
- No response necessary.

## I. Introduction - Federal Coastal Zone Management

In response to the intense pressures upon, and because of the importance of the coastal zone of the United States, Congress passed the Coastal Zone Management Act (P.L. 92-583) which was signed into law on October 27, 1972. The Act authorized a Federal grant-in-aid program to be administered by the Secretary of Commerce, who in turn delegated this responsibility to the National Oceanic and Atmospheric Administration's (NOAA) Office of Coastal Zone Management (OCZM).

The Coastal Zone Management Act of 1972 was substantially amended on July 26, 1976 (P.L. 94-370). The Act and the 1976 amendments will be referred to in this statement as the CZMA. The CZMA affirms a national interest in the effective protection and development of the coastal zone, by providing assistance and encouragement to coastal states to develop and implement rational programs for managing their coastal zones.

While local governments and Federal agencies are required to cooperate and participate in the development of management programs, the state level of government is given the central role and responsibility for this process. Financial assistance grants are authorized by the CZMA to provide states with the means of achieving these objectives and policies. Under Section 305, thirty coastal states which border on the Atlantic or Pacific Oceans, Gulf of Mexico, and the Great Lakes, and four U. S. territories are eligible to receive grants from NOAA for 80 percent of the costs of developing coastal management programs.

After developing a management program, the state may submit its coastal management program to the Secretary of Commerce for approval; if approved, the state is then eligible for annual grants under Section 306 to administer its management program. If a program has deficiencies which can be remedied or has not received Secretarial approval by the time the Section 305 grant has expired, the state is eligible for additional funding under Section 305(d).

Near the end of fiscal year 1977, 33 out of 34 eligible coastal States and territories had received program development grants and two states (Washington and Oregon) and two segments of States (San Francisco Bay Conservation and Development Commission, California and Island of Culebra, Puerto Rico) had received program approval under Section 306.

Section 308 establishes a coastal energy impact assistance program consisting of financial assistance to state and local communities whose coastal areas are impacted as a result of new or expanded energy facilities. In order to be eligible for assistance under Section 308, coastal states must be receiving Section 305 or 306 grants, or, in the Secretary's view, be developing a management program consistent with the policies and objectives contained in Section 303 of the CZMA.

Section 309 allows the Secretary to make grants (90% Federal share) to states to coordinate, study, plan, and implement interstate coastal management programs.

Section 310 allows the Secretary to conduct a program of research, study, and training to support state management programs. The Secretary may also make grants (80% Federal share) to states to carry out research studies and training required to support their programs.

Section 315 of the CZMA establishes an estuarine sanctuary program to provide grants to states on a matching basis in order to acquire, develop, and operate estuarine areas for use as sanctuaries so scientists and students may be provided the opportunity to examine, over a period of time, ecological relationships within the area. (Appendix 1) Proposed rules for implementation of the estuarine sanctuary program were published on March 7, 1974. After public review and comment, the rules were revised and published in final form on June 4, 1974 (15 CFR Part 921, Federal Register 39(108): 19922-19927) (Appendix 2).

Sanctuaries established under this program have a dual purpose of providing selected undisturbed areas so examples of a variety of natural coastal ecological types will always remain available for ecological research, and natural areas will be available for use as a control against which impacts of man's activities in other areas can be assessed. These sanctuaries are to be used primarily for long-term scientific and educational purposes, especially to provide information essential to coastal zone management decision-making. Such research purposes may include:

- Gaining a thorough understanding of the natural ecological relationships within the estuarine environments of the United States;
- Making baseline ecological measurements;
- Serving as a natural control against which changes in other estuaries can be measured, and facilitating evaluation of the impacts of human activities on estuarine ecosystems; and
- Providing a vehicle for increasing public knowledge and an awareness of the complex nature of estuarine systems, their values and benefits to man and nature, and problems with which estuaries are confronted.

The guidelines for the estuarine sanctuary program express, in the program objectives Section (921.3(a)), the national interest in fully representing regional and ecological differences. "The purpose of the estuarine sanctuary program...shall be accomplished by the establishment of a series of estuarine sanctuaries which will be designated so that at least one representative of each type of estuarine ecosystem will endure into the future for scientific and educational purposes."

Eleven different biogeographic categories are established, based on geographic, hydrographic, and biologic characteristics, and defined in the guidelines; sub-categories of this basic system will be utilized as appropriate to distinguish major sub-classes of the system. It is anticipated a minimum of 18 sanctuaries will be necessary to provide adequate representation of ecological systems.

In November 1973, funds were provided to begin implementation of the estuarine sanctuary program. The first estuarine sanctuary grant, was awarded to the State of Oregon in June 1974, to establish a sanctuary in the South Slough portion of Coos Bay. A second estuarine sanctuary grant was awarded in June 1975, to establish a sanctuary in the Duplin River-Sapelo Island region of Georgia. The third state to receive an estuarine sanctuary grant was Hawaii which submitted an application for an estuarine sanctuary to be located in the Waimanu Valley on the Island of Hawaii, Hawaii.

In 1976 an application for an estuarine sanctuary at Rookery Bay in the State of Florida was received by the Office of Coastal Zone Management. In keeping with the National Environmental Policy Act (NEPA) and guidelines promulgated by the Council on Environmental Quality (CEQ) (40 CFR Chapter V, Part 1500), which requires Federal agencies assess in detail the potential environmental impact of their actions beginning at the earliest possible point and in all cases prior to agency decision, the Office of Coastal Zone Management has prepared this draft environmental impact statement (EIS) for review and comment by all interested Federal, State, and local agencies and other interested parties.

## II. Description of the Proposed Action

The State of Florida application for the establishment of an estuarine sanctuary in Rookery Bay, Collier County, requests a grant for \$1,500,000 from OCZM to be matched by an equal or greater amount from the State. Rookery Bay, if established, will provide a unique estuarine sanctuary as it will preserve in perpetuity a relatively undisturbed West Indian estuarine system to serve as a living laboratory for providing information crucial to wise management of state and national estuarine resources.

An existing 5,400 acre Rookery Bay Sanctuary which is privately maintained and held by the Collier County Conservancy (CCC), National Audubon Society (NAS), and the Nature Conservancy (TNC), encompasses major features of the estuarine system and serves as the nucleus of the proposed sanctuary (see Figure 1). The proposed expansion of these boundaries to include directly associated waters, wetlands, and upland buffer areas will result in a total of slightly over 8,500 acres within the sanctuary. Additional acreage adjacent to the proposal and now in public ownership may potentially be added to the sanctuary in the future. Such potential additions could increase the size to well over 9,000 acres.

The areas to be acquired under this proposal consist of approximately 2,600 acres of mangrove, salt marsh, associated submerged lands, as well as about 500 acres of transitional areas along upland drainage corridors. The estuarine system is representative of the West Indian biogeographic classification as defined in the National Estuarine Sanctuary Guidelines Section 921.4.

Florida Statutes, Chapters 259, 375, and 592, provide the authority to acquire and manage an estuarine sanctuary.

### CHAPTER 259, FLORIDA STATUTES

This authority, better known as the "Land Conservation Act of 1972" provides authority to the Department of Natural Resources (DNR) for acquisition and management of environmentally endangered lands. Primary responsibility for carrying out provisions of this act have been vested in the Division of Recreation and Parks.

### CHAPTERS 375 AND 592, FLORIDA STATUTES

These laws provide basic authorities for acquisition and operation of state parks, recreation areas, special feature sites, museums, preserves, and ornamental gardens. The Division of Recreation and Parks has the primary role in implementing these laws. In addition, existing authorities of the Game and Fresh Water Fish Commission, Florida Marine Patrol, and Department of Environmental Regulation will be utilized to enforce regulations within the sanctuary.

Although exact costs of acquisition will be dependent upon several variables such as appraisal costs, findings of appraisals, as well as willingness of individual owners to sell, certain assumptions can be made upon which to approximate acquisition costs.

The State does not have power of eminent domain to accomplish the purposes of this proposal, and all negotiations therefore are based upon willing buyer/willing seller conditions. The normal land acquisition process exercised for environmentally endangered lands will be modified as required to meet the provisions of Public Law 91-646, Uniform Relocation and Assistance Act.

Upon completion of acquisition, the existing Rookery Bay Sanctuary (excluding research facilities) will be leased to the State. The resulting sanctuary would be managed as a State preserve as provided for by the Florida Administrative Code, Chapter 16D-4.02(5) and an agreement executed by DNR, CCC, NAS, and TNC (see Appendix 3).





Figure 1  
(continued)  
Legend

Ownership of Property in  
Proposed Rookery Bay National Estuarine Sanctuary

Parcel Number	Owner of Record	Approximate Acreage
1-A	F. H. Disbrow, Jr. 815 Norway Lane Los Angeles, Cal. c/o Mr. & Mrs. Leo C. Press 90049	40
1-B	Earl L. Frye, Jr. 2829 N. Trail Naples, Fla. 33940	17.1
1-C	Larry S. Tollett 1717 Pineridge Rd. Naples, Fla. 33940	16.54
1-D	James G. Storter, et al Normandy Drive Naples, Fla. 33940	6.36
2	Key Island, Inc. Lester Norris P. O. Box 1157 Naples, Fla. 33940	1,523
3	Arthur McIntosh 105 W. Madison Chicago, Ill. 60602	275
4-A	Douglas Bathey 400 Gordon Drive Naples, Fla. 33940	680

Parcel Number	Owner of Record	Approximate Acreage
4-B	B. H. Mott & Sons P. O. Box 1419 Huntington, W. Va. 25716	80
4-C	Felix Karpinzki 1300 Dolphin Road Naples, Fla. 33940	40
4-D	Douglas Bathey 400 Gordon Drive Naples, Fla. 33940	40
4-E	Richard Byington 1028 Woodlawn Ave. Des Plaines, Ill. 60016	40
5	Collier County School Board	160
6	Collier Development Corp. 110 Tamiami Trail Naples, Fla. 33940	160
7	State Board of Education	560
8	Daniel Adams, et ux. 29359 S. Seaway Ct. Mt. Clemens, Mich. 48043	116

TOTAL

3,194

### III. Description of the Environment Affected

The core area of 5,400 acres was assembled by the combined efforts of the Collier County Conservancy, National Audubon Society and the Nature Conservancy. The proposed Rookery Bay estuarine is located on the southwest coast of Florida, approximately three miles south of the City of Naples (see Figure 2). Focusing on the Rookery Bay ecosystem, the area is bounded on the west and south by the intracoastal waterway. It is separated from the Gulf of Mexico by a barrier island chain consisting of Key Island, Little Marco Island, and an apparently unnamed mangrove island. Water connection to the Gulf of Mexico is through Little Marco Pass, Hurricane Pass, Johnson Bay, and Big Marco Pass.

An excellent detailed description of the area has been published by The Conservation Foundation entitled Rookery Bay Land Use Studies.

#### A. Natural Resources

Soils. Soils consist generally of marine sands underlain by a limestone layer known as the Tamiami Formation. In some areas, predominantly in wetlands, peat has been deposited on the panlico sands.

Drainage. Surface drainage into the system is through sheet flow, tidal creeks, cypress sloughs, and freshwater marshes which make up five drainage sub-basins. Drainage gradients in the area are slight, causing poorly drained conditions in the uplands. Seasonal fluctuations in flow are significant, depending upon rainfall. The most significant inflow is through Henderson Creek, with an average monthly flow of 23 cubic feet per second. During periods of heavy rainfall, the Rookery Bay Watershed receives overflow from the Golden Gate Canal to the north, increasing this flow to perhaps 10 times normal (Figure 3).

Water Areas. The largest open water bodies within the proposal area are Rookery Bay and Henderson Creek, which total about 1,500 acres. Tidal exchange of Gulf and sanctuary water occur through relatively narrow openings at the west and south ends of Rookery Bay. However, large volumes of water move through the openings even on average incoming or outgoing tides. About two-thirds of the tide-driven water enters and leaves the sanctuary through the southern opening, which has a deeper channel and swifter current than the western opening. During spring tides, it is estimated that the volume of water moving through the two openings during a single tidal cycle equals or exceeds half the volume of water in the sanctuary. Open water depths in the sanctuary are shallow, less than -4 feet MSL (4 feet below mean sea level) except in the deeper tidal channels. Maximum water depth is about -20 feet in the channel at the southern entrance to the Bay.

#### B. Biological Characteristics

Vegetation. The immediate shorelines of the Rookery Bay system are characterized by a dense red mangrove fringe, grading into black and white mangroves in the upper reaches of tidal influence. Several significant areas of tidal marsh also occur within the proposed boundary. These tidal wetland associations grade into upland plant communities, with pines and palmettos being dominant in the eastern and northerly sections. Cypress stands and fresh water marsh occur in interior wet depressions and drainage corridors. Growing in association with cypress stands are tropical trees, shrubs, ferns, orchids, and airplants. Australian pine and Brazilian pepper, two exotic species, have invaded the area, particularly in beach ridge areas and areas altered by man.

Submerged vegetation, while not as diverse and conspicuous as intertidal and upland vegetation in the area, is nevertheless a very important part of the Rookery Bay Estuarine system. The dominant rooted vegetation, Cuban shoalweed, occupies many shallow areas of the estuary, with several species of red and green algae being found in abundance.

Major vegetative species found in the area are listed in Table 1.

Figure 2: South Florida and the Collier County Locale

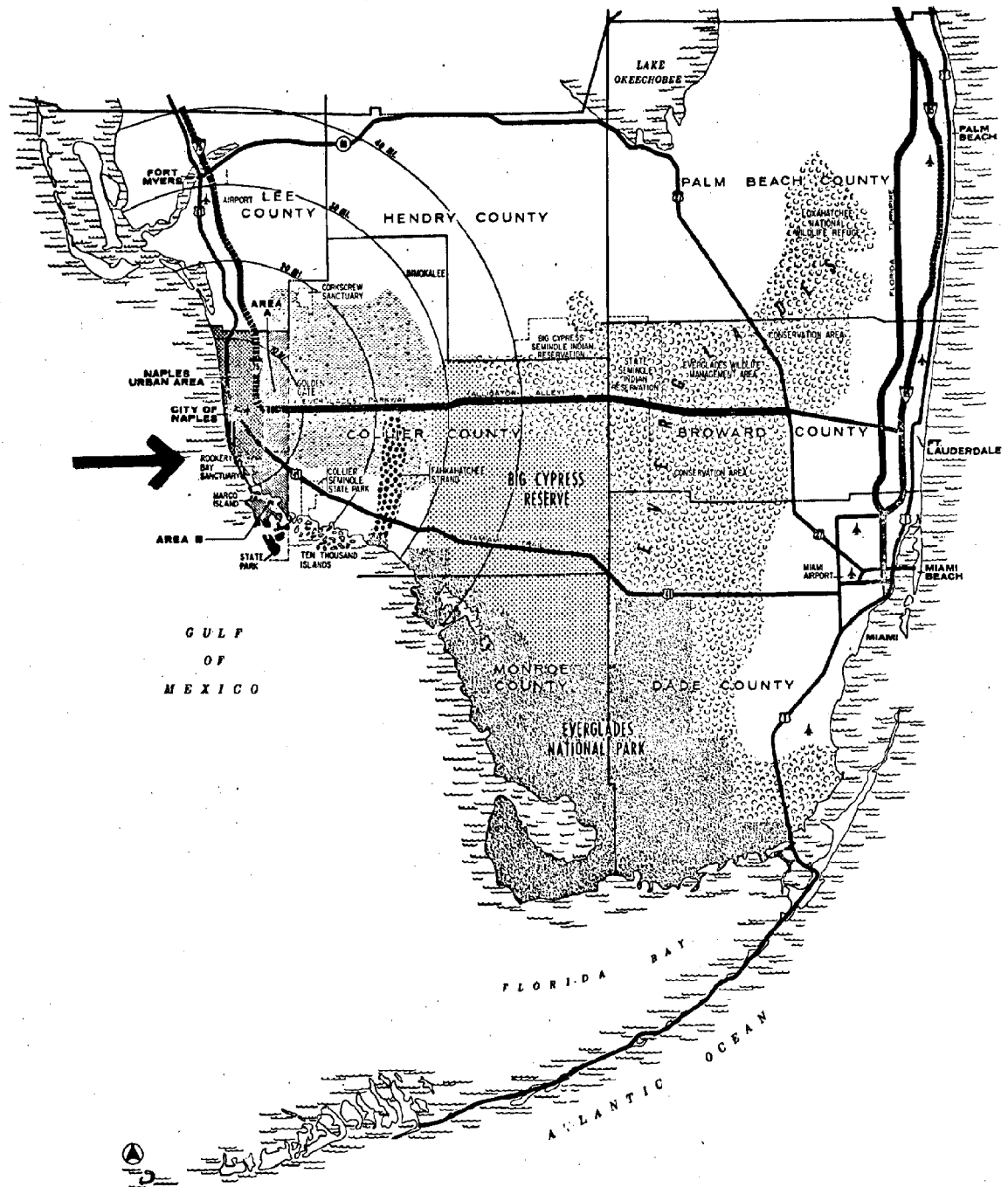


Figure 3: Golden Gate Canal in the Rookery Bay System Watershed

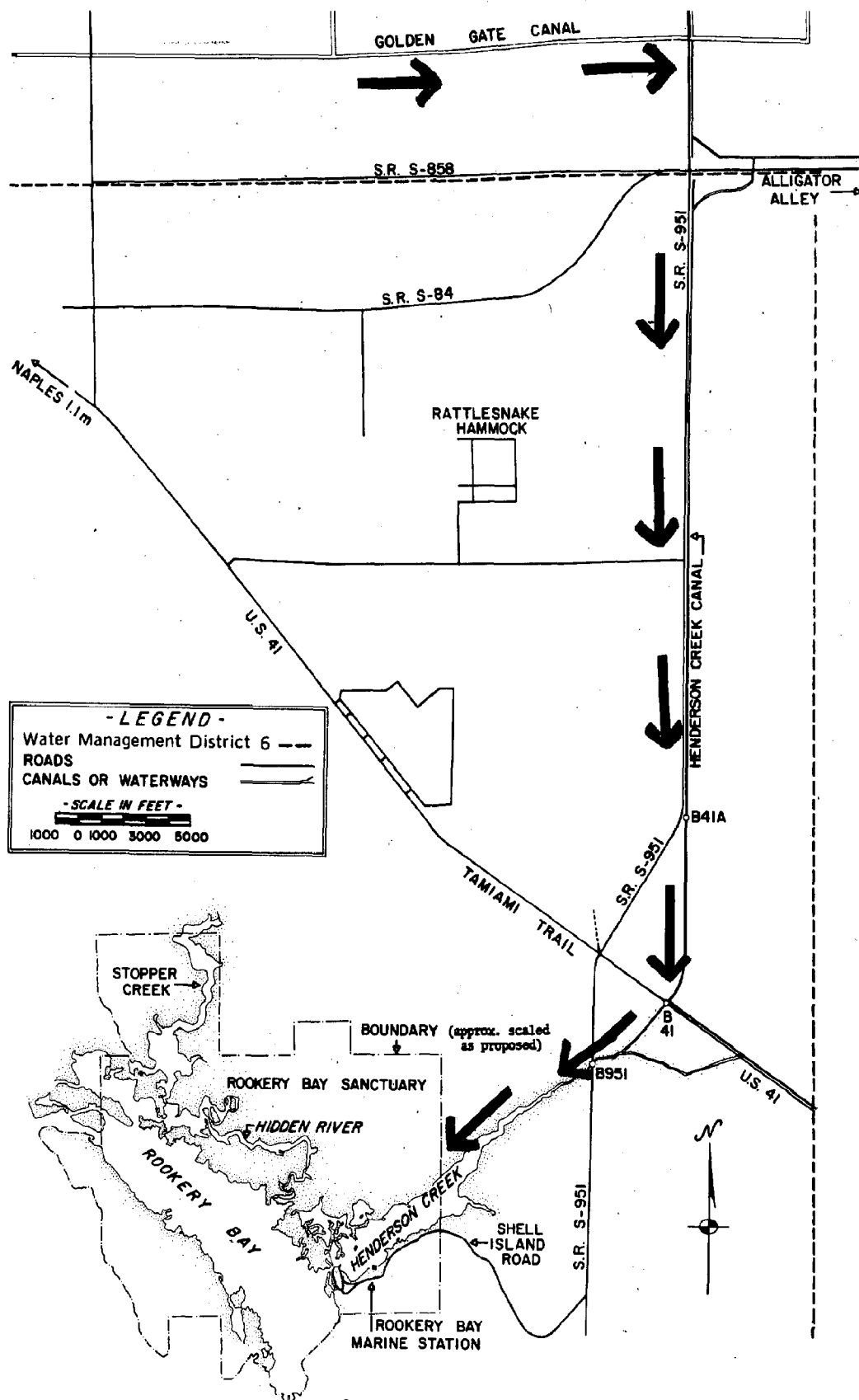


Table 1

Major Vegetative Species of the Rookery Bay Area

Intertidal and Terrestrial

Pickrel Weed	Pontederia lanceolata
Bald Cypress	Taxodium distichum
Glasswort	Salicornia sp.
Saltwort	Batis maritima
Black Needlerush	Juncus roemerianus
Seashore Salt Grass	Distichlis spicata
Salt cordgrass	Spartina sp.
Black mangrove	Avicennia nitida
Red mangrove	Rhizophora Mangle
White mangrove	Laguncularia Racemosa
Buttonwood	Conocarpus erecta
Slash pine	Pinus Eliotii
Cabbage palm	Sabal palmetto
Saw palmetto	Serenoa repens
Live oak	Quercus virginiana
Australian pine	Casuarina equisetifo
Brazilian pepper	Schinus terebinthifolia

Submerged

Algae	Caulerpa sp.
	Cracillaria sp.
	Aghardiella sp.
Seagrass	
Cuban Shoalweed	Diplanthera Wrightii

C. Fish, Wildlife, and Birds

Fish. The Rookery Bay ecosystem supports a significant commercial and sport fishery, particularly in terms of its function as a nursery area for juvenile stages of shrimp, mullet, trout, and other important species. Within the proposed sanctuary the primary commercial species is mullet, with snook, spotted sea trout, mangrove snapper, flounder, and redfish being the most sought after sports species. The Henderson Creek area and backwater areas are characterized by living oyster bars that serve as habitat and feeding areas for many species of importance.

Wildlife. The proposal area serves as important habitat to a large number of species, especially shore and sea birds, with its mangrove fringed shore and tidal flats being utilized as roosting and feeding areas. In addition, the area serves as a rookery and breeding area for some species, and provides a nursery ground for wading birds such as the white ibis, which nest in the marshes and lead their fledglings to the Bay's rich shallow waters to mature. Several species nest in mangroves of the Ten Thousand Islands, to the east of the proposal area, but inhabit Rookery Bay about eight months of the year. Both native and migratory ducks use the fresh to brackish ponds of the marsh complex in the interior portions of the area. Three endangered species--the bald eagle, brown pelican, and sea manatee utilize the Rookery Bay system.

Table 2 lists the major birds and mammals of the proposal area.

Table 2

The Status of Birds and Mammals of the Rookery Bay Wildlife Sanctuary, 1973.  
(Source: John M. Allen)

SPECIES	COMMON NAME	RESIDENCE STATUS	SANCTUARY FUNCTION	HABITAT
<i>Butorides virescens</i>	Green heron	Permanent	Breeding, rearing	Entire area
<i>Hydranassa tricolor</i>	La. heron	"	Feeding, rearing	"
<i>Ardea herodias wardi</i>	Ward's heron	"	"	"
<i>Florida coerulea</i>	Little blue heron	"	"	"
<i>Casmerodius albus</i>	Common egret	"	"	"
<i>Leucorhox thula</i>	Snowy egret	"	Breeding, rearing	Upland
<i>Bubulcus ibis</i>	Cattle egret	"	Feeding, rearing	Entire area
<i>Eudocimus albus</i>	White ibis	"	"	Upland
<i>Mycteria americana</i>	Wood stork	Winter	"	Bars, shoals
<i>Ajaia ajaja</i>	Roseate spoonbill	Permanent	"	Upland
<i>Anhinga anhinga</i>	Anhinga	"	Breeding, rearing	Upland
<i>Phalacrocorax auritus</i>	Florida cormorant	"	Feeding, rearing	Bay
<i>Pelecanus occidentalis</i>	Brown pelican	"	"	Bay
<i>Fulica americana</i>	American coot	Winter	Feeding	Bay
<i>Anas fulvigula</i>	Mottled duck	Permanent	Breeding, rearing	Upland ponds
<i>Aythya affinis</i>	Lesser scaup	Winter	Feeding	Bay
<i>Anas acuta</i>	Pintail	"	"	Bay
<i>Anas carolinensis</i>	Gr-wg-teal	"	"	Bay
<i>Anas discors</i>	Bl-wg-teal	"	"	Bay
<i>Mareca americana</i>	American widgeon	"	"	Bay
<i>Spatula clypeata</i>	Shoveler	"	"	Bay
<i>Aix sponsa</i>	Wood duck	"	"	Bay
<i>Mergus serrator</i>	Red-br-merganser	"	"	Bay
<i>Fregata magnificens</i>	Frigate bird	Permanent	"	Bay
<i>Elanoides forficatus</i>	Swallow tail kite	Summer	Breeding, rearing	Entire area
<i>Halieetus leucocephalus</i>	Bald eagle	Permanent	"	"
<i>Pandion haliaetus</i>	Osprey	"	"	"
-----	Gulls and terns	Some permanent	Feeding	Bay
-----	Misc. shorebirds	"	"	Bars, ponds
-----	Misc. songbirds	"	Breeding, feeding	Mostly upland
<u>RESIDENT MAMMALS</u>				
<i>Procyon lotor elucus</i>	Raccoon	Permanent	Breeding, feeding	Entire area
<i>Euarctos floridanus</i>	Black bear	Occasional	"	Upland
<i>Lynx rufus floridanus</i>	Bobcat	Permanent	"	Upland
<i>Odocoileus osceola</i>	White-tailed deer	Permanent	"	Upland
<i>Trichechus latirostris</i>	Manatee	Migratory	Feeding	Bay
<i>Dacypus novemcinctus texanus</i>	Armadillo	Permanent	Breeding, feeding	Upland
<i>Sylvilagus palustris paludicola</i>	Marsh rabbit	Permanent	"	Upland
<i>Delphinus delphis</i>	Porpoise	Migratory	Feeding	Bay

D. Ownership Characteristics

Land ownership within and adjacent to the proposal area consists of individual private ownerships, private non-profit organization holdings, as well as county, State and Federal ownerships. These parcels are shown in Figure 1. Parcels having alphabetical designations are to be considered part of the associated total unit to be acquired.

E. Individual Private Holdings

Available information indicates that there are 12 individual private ownerships within the proposal area, with three interests owning approximately 2,515 of the total 3,194 acres desired for acquisition (parcels 2, 3, 4-A and 4-D).

F. Private Non-Profit Organization Holdings

The existing 5,400 acre Rookery Bay Sanctuary is owned by the National Audubon Society, the Nature Conservancy, and the Collier County Conservancy. With the exception of an 80-acre parcel upon which Conservancy research facilities are located (parcel 9) and the holdings on Key Island, the entire Rookery Bay Sanctuary is proposed to be leased to the State at no cost (parcel 9, Figure 1), provided that all other requirements for establishment and management of the area as a National Estuarine Sanctuary are accomplished.

G. Public Domain Holdings

County Ownership. The Collier County School Board holds title to parcel 5 as well as immediately adjacent property to the north. The Board also controls 560 acres of section 16 lands (parcel 7) through the State Board of Education. Parcel 7 is not part of this proposal but is a very valuable potential future addition to the sanctuary. Present negotiations regarding exchange of these lands for other more suitable for School Board functions preclude immediate consideration.

State Ownership. With the exception of two small questionable parcels, the State of Florida apparently holds title to all submerged lands in the area and has an associated interest in parcel 7. All state-owned water areas within Rookery Bay and Henderson Creek have been designated by law as a State aquatic preserve.

Federal Ownership. The Federal Bureau of Land Management claims title to 400.26 acres within and adjacent to the boundaries of the existing Rookery Bay Sanctuary. A total of 266.08 are leased to the National Audubon Society as part of the sanctuary.



#### IV. Impacts

Probable Adverse Impacts of the Proposed Action on the Environment. Since the action is to preserve the environmental integrity of the area it is expected that the impact on the environment will be positive. There are three potentially adverse environmental impacts within the sanctuary boundaries which may not be avoidable. These are: (1) loss of resource use, (2) restrictions on land and water use, and (3) loss of tax revenues. Negative impacts are potential conflicts between the sanctuary and adjacent owners in terms of drainage projects, mosquito control activities, and restrictions imposed by scientific research which conflicts with traditional users. The most apparent adverse economic impact will be tax revenue loss which, in part, will be offset by acquiring and operating lands.

Relationship of the Proposed Action to Land Use Plans, Policies, and Controls of the Area. The area was selected by the State for use as an estuarine sanctuary as part of its coastal management program scheme. It is located within an area where Collier County overlaid the zoning with a special treatment area designation which allows development in an ecologically sensitive manner or transfer of basic zoning density to contiguous upland areas to insure minimal damage to the fragile ecological nature of this type of area.

The Bureau of Land Management does hold title to a parcel of land but has historically leased a portion to the managers of the existing sanctuary. It is anticipated that such arrangement will be maintained.

Relationship Between Local Short-Term Uses of the Environment and the Maintenance of Enhancement of Long-Term Productivity - Irreversible or Irretrievable Commitment of Resources. Acquisition and disposition of the sanctuary will add about 3,000 acres more land to an existing private sanctuary. The net effect will be a long-term commitment to manage the area for ecological values versus short-term economic endeavors such as development. Management will be to insure that the natural production impact will be maintained and all attendant long-term options of use of these natural resources retained. No irreversible or irretrievable commitment of resources will be made with the acquisition and designation of an estuarine sanctuary.

## V. Alternatives

Alternative estuarine sites within the West Indian biogeographic category within Florida. Prior to submitting a grant application Florida developed a selection process to evaluate the State's estuarine system for a suitable candidate. The outcome of this process was the selection of Rookery Bay. OCZM believes the selection process was properly developed and presented.

Alternative management systems have been explored ranging from total State unilateral management to a contract with one of the owners of the core. The proposed management scheme has been carefully negotiated and executed to all parties involved (State, CCC, NAS, TNC, OCZM).

Alternative methods of acquiring control and affording protection are encouraged. OCZM's rules and regulations do not require fee title ownerships, but rather that sufficient control be exercised over the area to insure long-term management.

OCZM could delay granting the award or refuse the grant. The State's application as reflected in this draft environmental impact statement indicates the most involved parties are in favor of the proposal and that sufficient State funds are available to successfully execute the grant. The area will make a proper addition to the natural system. OCZM therefore based upon current knowledge foresees no reason to deny or delay a grant in fiscal year 1977.

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APPENDIX 1

Section 315  
of the

COASTAL ZONE MANAGEMENT ACT of 1972, as Amended

## ESTUARINE SANCTUARIES AND BEACH ACCESS

Sec. 315. The Secretary may, in accordance with this section and in accordance with such rules and regulations as the Secretary shall promulgate, make grants to any coastal state for the purpose of --

(1) acquiring, developing, or operating estuarine sanctuaries, to serve as natural field laboratories in which to study and gather data on the natural and human processes occurring within the estuaries of the coastal zone; and

(2) acquiring lands to provide for access to public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological, or cultural value, and for the preservation of islands. The amount of any such grant shall not exceed 50 per centum of the cost of the project involved; except that, in the case of acquisition of any estuarine sanctuary, the Federal share of the cost thereof shall not exceed \$2,000,000.

## APPENDIX 2

### FINAL RULES FOR ESTUARINE SANCTUARY GRANTS

**Title 15—Commerce and Foreign Trade**  
**CHAPTER IX—NATIONAL OCEANIC AND**  
**ATMOSPHERIC ADMINISTRATION, DE-**  
**PARTMENT OF COMMERCE**

**PART 921—ESTUARINE SANCTUARY**  
**GUIDELINES**

The National Oceanic and Atmospheric Administration (NOAA) on March 7, 1974, proposed guidelines (15 CFR Part 921) pursuant to section 312 of the Coastal Zone Management Act of 1972 (Pub. L. 92-583, 86 Stat. 1280), hereinafter referred to as the "Act," for the purpose of establishing the policy and procedures for the nomination, selection and management of estuarine sanctuaries.

Written comments were to be submitted to the Office of Coastal Environment (now the Office of Coastal Zone Management), National Oceanic and Atmospheric Administration, before April 8, 1974, and consideration has been given those comments.

The Act recognizes that the coastal zone is rich in a variety of natural, commercial, recreational, industrial and esthetic resources of immediate and potential value to the present and future well-being of the nation. States are encouraged to develop and implement management programs to achieve wise use of the resources of the coastal zone, and the Act authorizes Federal grants to the States for these purposes (sections 305 and 306).

In addition, under section 312 of the Act, the Secretary of Commerce is authorized to make available to a coastal State grants of up to 50 per centum of the cost of acquisition, development and operation of estuarine sanctuaries. The guidelines contained in this part are for grants under section 312.

In general, section 312 provides that grants may be awarded to States on a matching basis to acquire, develop and operate natural areas as estuarine sanctuaries in order that scientists and students may be provided the opportunity to examine over a period of time ecological relationships within the area. The purpose of these guidelines is to establish the rules and regulations for implementation of this program.

The National Oceanic and Atmospheric Administration is publishing herewith the final regulations describing the procedures for applications to receive grants for estuarine sanctuaries under section 312 of the Act. The final regulations and criteria were revised from the proposed guidelines based on the comments received. A total of fifty (50) States, agencies, organizations and individuals submitted responses to the proposed section 312 guidelines published in the FEDERAL REGISTER on March 7, 1974. Of those responses received, eight (8) offered no comment or were wholly favorable as to the nature and content of the guidelines as originally proposed. Forty-two (42) commentators submitted suggestions concerning the proposed section 312 guidelines.

The following summary analyzes key comments received on various sections of

the proposed regulations and presents the rationale for the responses made.

**Section 921.2 Definitions.** Three comments requested that the term "estuary" be defined. Although the term is defined in the Act and also in the regulations dealing with Coastal Zone Management Program Development Grants (Part 920 of this chapter) published November 29, 1973, it has been added to these regulations and broadened slightly to include marine lagoons with restricted freshwater input such as might occur along the south Texas coast.

Two other comments requested that the "primary purpose" referred to in § 921.2(b) be clearly defined. Although elaborated upon in § 921.3(a), for the purpose of clarity this change has been made.

**Section 921.3 Objectives and Implementation.** Several comments suggested that the estuarine sanctuary program objectives were too narrowly defined and specifically that they should be broadened to include the acquisition and preservation of unique or endangered estuaries for wildlife or ecological reasons. Although the Act (section 302) declares it the nation's policy to preserve, protect, develop, and where possible, to restore or enhance coastal resources, this is perceived to be achievable through State actions pursuant to sections 305 and 306. While it is recognized that the creation of an estuarine sanctuary may in fact serve to preserve or protect an area or biological community, the legislative history of section 312 clearly indicates the estuarine sanctuary program was not intended to duplicate existing broad purpose Federal preservation programs, such as might be accommodated by use of the Land and Water Conservation Fund Act. Instead, both in the Act as well as its legislative history, the objective is defined as preserving representative estuarine areas for long-term research and educational uses.

Three other comments suggested the objectives of the program should be enlarged to include the restoration of environmentally degraded areas. This, too, is perceived to be a State requirement separate from section 312. In addition, adequate authority for restoring degraded water areas now exists (for example, Pub. L. 92-500 in addition to sections 302, 305 and 306 of the Act). No significant additional benefit would appear to result from declaring an area an estuarine sanctuary for the purposes of restoration.

A few comments indicated that the examples of sanctuary use were too heavily weighted toward scientific uses to the exclusion of educational uses. Public education concerning the value and benefits of, and the nature of conflict within the coastal zone, will be essential to the success of a coastal zone management program. The section has been changed to reflect an appropriate concern for educational use.

Some commentators suggested changes in or additions to the specific examples of sanctuary uses and purposes. These examples were taken from the Senate

and House Committee Reports and are considered sufficient to reflect the kinds of uses intended within an estuarine sanctuary.

Several comments were received pertaining to § 921.3(c) involving the restrictions against overemphasis of destructive or manipulative research. Ten comments indicated that the section was too weak and would not provide sufficient long-term protection for the sanctuary ecosystem. Several commentators specifically recommended deleting the words "would not normally be permitted" and inserting in their place "will not be permitted." In contrast, three respondents indicated that the potential use of estuarine sanctuaries for manipulative or destructive research was too restricted, and that these uses should be generally permitted if not encouraged.

The legislative history of section 312 clearly indicates that the intent of the estuarine sanctuary program should be to preserve representative estuarine areas so that they may provide long-term (virtually permanent) scientific and educational use. The uses perceived are compatible with what has been defined as "research natural areas." In an era of rapidly degrading estuarine environments, the estuarine sanctuary program will ensure that a representative series of natural areas will be available for scientific or educational uses dependent on that natural character, for example, for baseline studies, for use in understanding the functioning of natural ecological systems, for controls against which the impacts of development in other areas might be compared, and as interpretive centers for educational purposes. Any use, research or otherwise, which would destroy or detract from the natural system, would be inappropriate under this program.

In general, the necessity of or benefit from permitting manipulative or destructive research within an estuarine sanctuary is unclear. While there is a legitimate need for such kinds of research, ample opportunity for manipulative or destructive research to assess directly man's impact or stresses on the estuarine environment exists now without the need for creation or use of an estuarine sanctuary for this purpose. In contrast, a clear need exists for natural areas to serve as controls for manipulative research or research on altered systems.

The section on manipulative research has been changed to reflect the concern for continued maintenance of the area as a natural system. However, the modifier "normally" has been retained because, within these limits, it is not felt necessary to preclude all such uses; the occasion may rarely arise when because of a thoroughly demonstrated direct benefit, such research may be permitted.

Several comments suggested that the program should include degraded estuarine systems, rather than be limited to areas which are "relatively undisturbed by human activities." Such areas would permit research efforts designed to restore an estuarine area. As indicated

above, an ample legislative mandate to restore environmentally degraded areas already exists; the benefits to be derived from declaring such areas estuarine sanctuaries would be marginal. Indeed, it would appear that if restoration efforts cannot occur without estuarine sanctuary designation, then, given the limited resources of this program, such efforts would not be feasible.

A few commentators suggested that the phrase (§ 921.3(e)) "if sufficient permanence and control by the State can be assured, the acquisition of a sanctuary may involve less than the acquisition of a fee simple interest" be more clearly defined. Explanatory language has been added to that section.

Section 921.4 *Zoogeographic Classification*. Because the classification scheme utilized plants as well as animals, two commentators suggested that zoogeographic be changed to biogeographic. This change is reflected in the final regulations.

One comment suggested that selection of sanctuaries should depend on the pressures and threats being brought to bear upon the natural areas involved even if this meant selecting several sanctuaries from one classification and none from another.

The legislative history of section 312 clearly shows the intent to select estuarine sanctuaries on a rational basis which would reflect regional differentiation and a variety of ecosystems. The biogeographic classification system, which reflects geographic, hydrographic, and biologic differences, fulfills that intention. A scheme which would abandon that system, or another similar one, and would not fulfill the requirements of providing regional differentiation and a variety of ecosystems, would not be consistent with the intended purpose of the Act.

A few comments received suggested that the biogeographic classification scheme be enlarged by the addition of a new class reflecting an area or State of special concern or interest to the respondent. (No two commentators suggested the same area.) It is felt that adequate national representation is provided by the biogeographic scheme proposed, and that the changes offered were in most cases examples of sub-categories that might be utilized.

One comment suggested a specific change in the definition of the "Great Lakes" category. Portions of that suggestion have been incorporated into the final rules.

Two commentators requested assurance that sub-categories of the biogeographic scheme will in fact be utilized. The final language substitutes "will be developed and utilized" for "may be developed and utilized."

Section 921.5 *Multiple Use*. Several comments were received pertaining to the multiple use concept. Three commentators suggested that the multiple use directive was contrary to or absent from the Act and should be omitted. Ten respondents felt the concept should be more explicitly defined and restricted so

that the primary purpose of the sanctuary would be more clearly protected. In contrast, two commentators felt that the definition might prove too restrictive and should be broadened. Several commentators suggested that examples of anticipated multiple use might be appropriate.

While recognizing that it is not always possible to accommodate more than a single use in an environmentally sensitive area, it is not the intention to unnecessarily preclude the uses of sanctuary areas where they are clearly compatible with and do not detract from the long-term protection of the ecosystem for scientific and educational purposes. The language of § 921.5 has been changed accordingly.

Section 921.6 *Relationship to Other Provisions of the Act and to Marine Sanctuaries*. Several comments were received which commended and stressed the need for close coordination between the development of State coastal zone management programs, especially and land and water use controls, and the estuarine sanctuary program.

The relationship between the two programs is emphasized: estuarine sanctuaries should provide benefit—both short-term and long-term—to coastal zone management decision-makers; and State coastal zone management programs must provide necessary protection for estuarine sanctuaries. This necessary coordination is discussed not only in the estuarine sanctuary regulations, but will also be addressed in an appropriate fashion in guidelines and rules for Coastal Zone Management Program Approval Criteria and Administrative Grants.

Three commentators discussed the need for swift action by both State and Federal governments to establish and acquire estuarine sanctuaries. The Office of Coastal Zone Management intends to pursue the program as swiftly as available manpower restraints will permit.

A few comments sought reassurance that the estuarine sanctuaries program will in fact be coordinated with the Marine Sanctuaries Program (Title III, Pub. L. 92-532). The guidelines have been changed to reflect that both programs will be administered by the same office.

#### SUBPART B—APPLICATION FOR GRANTS

Section 921.10 *General*. One reviewer indicated uncertainty about which State agency may submit applications for grants under section 312. Although individual States may vary in the choice of individual agencies to apply for an estuarine sanctuary, because of the necessity for coordination with the State coastal zone management program the entity within the State which is the certified contact with the Office of Coastal Zone Management, NOAA, responsible for the administration of the coastal zone management program must endorse or approve an estuarine sanctuary application.

Appropriate language has been included to ensure this coordination.

Section 921.11 *Initial Application for Acquisition, Development and Operation*

*Grants*. Two comments requested that the source and nature of acceptable matching funds should be explicitly identified.

OMB Circular A-102 generally defines and identifies legitimate "match" for Federal grant projects. In general, reference should be made to that document. However, the section has been expanded in response to some specific and frequent questions.

Two comments stressed the need for increased availability of research funds to adequately utilize the potential of estuarine sanctuaries. While not an appropriate function of the estuarine sanctuary program, the Office of Coastal Zone Management is discussing the necessity of adequate funding with appropriate agencies.

One comment suggested that the term "legal description" of the sanctuary (§ 921.11(a)) is not appropriate for all categories of information requested. The word "legal" has been omitted.

Three reviewers indicated that the Act provides no basis for consideration of socio-economic impacts (§ 921.11(d)) and that this criterion seemed inappropriate to selecting estuarine sanctuaries. Apparently these reviewers misunderstood the intention of this requirement. The information in this section is necessary for preparation of an environmental impact statement which will be prepared pursuant to NEPA. Although required in the application, such information is not a part of the selection criteria, which are addressed in Subpart C, § 921.20.

One similar comment was received with regard to consideration of existing and potential uses and conflicts (§ 921.11(h)). This item is also discussed under selection criteria (§ 921.20(h)). It is intended that this criterion will only be considered when choosing between two or more sanctuary applications within the same biogeographic category which are of otherwise equal merit.

One comment drew attention to an apparent typographic error in § 921.11 (m) where the term "marine estuaries" seems out of context. This has been corrected.

Two commentators suggested that public hearings should be required in the development of an estuarine sanctuary application. Although such a hearing is deemed desirable by the Office of Coastal Zone Management, it would not always seem to be necessary. The language in § 920.11(1) has been changed to reflect the sincere concern for the adequate involvement of the public, which is also addressed under a new § 920.21.

One respondent suggested that a new section be added requiring the applicant to discuss alternative methods of acquisition or control of the area, including the designation of a marine sanctuary, in place of establishing an estuarine sanctuary. A new section (§ 920.11(n)) has been added for this purpose.

Section 921.12 *Subsequent Application for Development and Operation Grants*. Three commentators expressed concern that the intent of § 921.12 be more clearly expressed. Appropriate changes have been made.

## RULES AND REGULATIONS

One comment was made that a provision should be included to use existing Federally owned land for the purpose of the estuarine sanctuary program. A section has been added for that purpose.

Section 921.20 *Criteria for Selection*. One comment suggested that the consideration of conflict with existing or potential competing uses should not be included as a selection criterion. As discussed above, this criterion is considered appropriate.

Another reviewer suggested the addition of a new criterion, consideration of "the need to protect a particular estuary from harmful development." As discussed earlier, this criterion is not considered appropriate. Such a basis for determining selection would lead to a reactionary, random series of estuarine sanctuaries, rather than the rationally chosen representative series mandated in the legislative history.

Two reviewers commented that the limitation on the Federal share (\$2,000,000 for each sanctuary) was too low and would severely restrict the usefulness of the program. However, this limitation is provided by the Act.

Another commentator suggested that § 921.20(g) was unnecessarily restrictive in that it might prevent selecting an estuarine sanctuary in an area adjacent to existing preserved lands where the conjunction might be mutually beneficial. The language of § 921.20(g) does not preclude such action, but has been changed to specifically permit this possibility.

Two commentators inquired whether the reference to a "draft" environmental impact statement (§ 921.20, last paragraph) indicated an intention to avoid further compliance with NEPA. It is the firm intention of the Office of Coastal Zone Management to fully comply in all respects with NEPA. The word "draft" has been struck.

Three reviewers addressed the problems of providing adequate public participation in the review and selection process. In addition to the change in § 920.11(1), a new section has been added to address this issue.

## SUBPART D—OPERATION

Section 921.30 *General*. One commentator suggested that during contract negotiations, there should be a meeting between the applicant agency and proposed sanctuary management team, and representatives of the Office of Coastal Zone Management. The general provisions have been broadened to provide for this suggestion.

Two comments were submitted which urged that some discretion be exercised in the use and access to the sanctuary by scientists and students. Two other comments were received which requested specific protection for use by the general public. The guidelines have been changed to include these suggestions.

One comment was received suggesting language to clarify § 921.30(g). This was incorporated into the guidelines.

Two commentators expressed concern for enforcement capabilities and activities to ensure protection of the estuarine sanctuaries. A new section has been added which addresses this issue.

Finally, one suggestion was received that a vehicle for change in the management policy or research programs should be provided. A new section has been added for that purpose.

Accordingly, having considered the comments received and other relevant information, the Secretary concludes by adopting the final regulations describing the procedure for applications to receive estuarine sanctuary grants under section 312 of the Act, as modified and set forth below.

Effective date: June 3, 1974.

Dated: May 31, 1974.

ROBERT M. WHITE,  
Administrator.

## Subpart A—General

- Sec.
- 921.1 Policy and objectives.
- 921.2 Definitions.
- 921.3 Objectives and implementation of the program.
- 921.4 Biogeographic classification.
- 921.5 Multiple use.
- 921.6 Relationship to other provisions of the Act and to marine sanctuaries.
- Subpart B—Application for Grants
- 921.10 General.
- 921.11 Application for initial acquisition, development and operation grants.
- 921.12 Application for subsequent development and operation grants.
- 921.13 Federally owned lands.
- Subpart C—Selection Criteria
- 921.20 Criteria for selection.
- 921.21 Public participation.
- Subpart D—Operation
- 921.30 General.
- 921.31 Changes in the sanctuary boundary, management policy or research program.
- 921.32 Program review.

AUTHORITY: Sec. 312 of the Coastal Zone Management Act of 1972 (Pub. L. 92-583, 86 Stat. 1280).

## Subpart A—General

## § 921.1 Policy and Objectives.

The estuarine sanctuaries program will provide grants to States on a matching basis to acquire, develop and operate natural areas as estuarine sanctuaries in order that scientists and students may be provided the opportunity to examine over a period of time the ecological relationships within the area. The purpose of these guidelines is to establish the rules and regulations for implementation of the program.

## § 921.2 Definitions.

(a) In addition to the definitions found in the Act and in the regulations dealing with Coastal Zone Management Program Development Grants published November 29, 1973 (Part 920 of this chapter) the term "estuarine sanctuary" as defined in the Act, means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting

to the extent feasible a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

(b) For the purposes of this section, "estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea where the seawater is measurably diluted with freshwater derived from land drainage. The term includes estuary-type areas of the Great Lakes as well as lagoons in more arid coastal regions.

(c) The term "multiple use" as used in this section shall mean the simultaneous utilization of an area or resource for a variety of compatible purposes or to provide more than one benefit. The term implies the long-term, continued uses of such resources in such a fashion that other uses will not interfere with, diminish or prevent the primary purpose, which is the long-term protection of the area for scientific and educational use.

## § 921.3 Objectives and implementation of the program.

(a) *General*. The purpose of the estuarine sanctuaries program is to create natural field laboratories in which to gather data and make studies of the natural and human processes occurring within the estuaries of the coastal zone. This shall be accomplished by the establishment of a series of estuarine sanctuaries which will be designated so that at least one representative of each type of estuarine ecosystem will endure into the future for scientific and educational purposes. The primary use of estuarine sanctuaries shall be for research and educational purposes, especially to provide some of the information essential to coastal zone management decision-making. Specific examples of such purposes and uses include but are not limited to:

(1) To gain a thorough understanding of the ecological relationships within the estuarine environment.

(2) To make baseline ecological measurements.

(3) To monitor significant or vital changes in the estuarine environment.

(4) To assess the effects of man's stresses on the ecosystem and to forecast and mitigate possible deterioration from human activities.

(5) To provide a vehicle for increasing public knowledge and awareness of the complex nature of estuarine systems, their values and benefits to man and nature, and the problems which confront them.

(b) The emphasis within the program will be on the designation as estuarine sanctuaries of areas which will serve as natural field laboratories for studies and investigations over an extended period. The area chosen as an estuarine sanctuary shall, to the extent feasible, include water and land masses constituting a natural ecological unit.

(c) In order that the estuarine sanctuary will be available for future studies, research involving the destruction of any portion of an estuarine sanctuary which would permanently alter the nature of the ecosystem shall not normally be



permitted. In the unusual circumstances where permitted, manipulative field research shall be carefully controlled. No experiment which involves manipulative research shall be initiated until the termination date is specified and evidence given that the environment will be returned to its condition which existed prior to the experiment.

(d) It is anticipated that most of the areas selected as sanctuaries will be relatively undisturbed by human activities at the time of acquisition. Therefore, most of the areas selected will be areas with a minimum of development, industry or habitation.

(e) If sufficient permanence and control by the State can be assured, the acquisition of a sanctuary may involve less than the acquisition of a fee simple interest. Such interest may be, for example, the acquisition of a conservation easement, "development rights", or other partial interest sufficient to assure the protection of the natural system. Leasing, which would not assure permanent protection of the system, would not be an acceptable alternative.

#### § 921.4 Biogeographic classification.

(a) It is intended that estuarine sanctuaries should not be chosen at random, but should reflect regional differentiation and a variety of ecosystems so as to cover all significant variations. To ensure adequate representation of all estuarine types reflecting regional differentiation and a variety of ecosystems, selections will be made by the Secretary from the following biogeographic classifications:

1. *Arcadian*. Northeast Atlantic coast south to Cape Cod, glaciated shoreline subject to winter icing; well developed algal flora; boreal biota.
2. *Virginian*. Middle Atlantic coast from Cape Cod to Cape Hatteras; lowland streams, coastal marshes and muddy bottoms; characteristics transitional between 1 and 3; biota primarily temperate with some boreal representatives.
3. *Carolinian*. South Atlantic coast, from Cape Hatteras to Cape Kennedy; extensive marshes and swamps; waters turbid and productive; biota temperate with seasonal tropical elements.
4. *West Indian*. South Florida coast from Cape Kennedy to Cedar Key; and Caribbean Islands; shoreland low-lying limestones; calcareous sands, marls and coral reefs; coastal marshes and mangroves; tropical biota.
5. *Louisianian*. Northern Gulf of Mexico, from Cedar Key to Mexico; characteristics of 3, with components of 4; strongly influenced by terrigenous factors; biota primarily temperate.
6. *Californian*. South Pacific coast from Mexico to Cape Mendocino; shoreland influenced by coastal mountains; rocky coasts with reduced fresh-water runoff; general absence of marshes and swamps; biota temperate.
7. *Columbian*. North Pacific coast from Cape Mendocino to Canada; mountainous shoreland; rocky coasts; extensive algal communities; biota primarily temperate with some boreal.
8. *Florida*. South coast Alaska and Aleutians; precipitous mountains; deep estuaries, some with glaciers; shoreline heavily in-

dentated and subject to winter icing; biota boreal to sub-Arctic.

9. *Subarctic*. West and north coasts of Alaska; ice stressed coasts; biota Arctic and sub-Arctic.

10. *Insular*. Larger islands, sometimes with precipitous mountains; considerable wave action; frequently with endemic species; larger island groups primarily with tropical biota.

11. *Great Lakes*. Great Lakes of North America; bluff-dune or rocky, glaciated shoreline; limited wetlands; freshwater only; biota a mixture of boreal and temperate species with anadromous species and some marine invaders.

(b) Various sub-categories will be developed and utilized as appropriate.

#### § 921.5 Multiple use.

(a) While the primary purpose of estuarine sanctuaries is to provide long-term protection for natural areas so that they may be used for scientific and educational purposes, multiple use of estuarine sanctuaries will be encouraged to the extent that such use is compatible with this primary sanctuary purpose. The capacity of a given sanctuary to accommodate additional uses, and the kinds and intensity of such use, will be determined on a case by case basis. While it is anticipated that compatible uses may generally include activities such as low intensity recreation, fishing, hunting, and wildlife observation, it is recognized that the exclusive use of an area for scientific or educational purposes may provide the optimum benefit to coastal zone management and resource use and may on occasion be necessary.

(b) There shall be no effort to balance or optimize uses of an estuarine sanctuary on economic or other bases. All additional uses of the sanctuary are clearly secondary to the primary purpose and uses, which are long-term maintenance of the ecosystem for scientific and educational uses. Non-compatible uses, including those uses which would cause significant short or long-term ecological change or would otherwise detract from or restrict the use of the sanctuary as a natural field laboratory, will be prohibited.

#### § 921.6 Relationship to other provisions of the act and to marine sanctuaries.

(a) The estuarine sanctuary program must interact with the overall coastal zone management program in two ways: (1) the intended research use of the sanctuary should provide relevant data and conclusions of assistance to coastal zone management decision-making, and (2) when developed, the State's coastal zone management program must recognize and be designed to protect the estuarine sanctuary; appropriate land and water use regulations and planning considerations must apply to adjacent lands. Although estuarine sanctuaries should be incorporated into the State coastal zone management program, their designation need not await the development and approval of the management program where operation of the estuarine sanctuary would aid in the development of a program.

(b) The estuarine sanctuaries program will be conducted in close cooperation with the marine sanctuaries program (Title III of the Marine Protection, Research Act of 1972, Pub. L. 92-532, which is also administered by the Office of Coastal Zone Management, NOAA), which recognizes that certain areas of the ocean waters, as far seaward as the outer edge of the Continental Shelf, or other coastal waters where the tide ebbs and flows, or of the Great Lakes and their connecting waters, need to be preserved or restored for their conservation, recreational, ecologic or esthetic values. It is anticipated that the Secretary on occasion may establish marine sanctuaries to complement the designation by States of estuarine sanctuaries, where this may be mutually beneficial.

#### Subpart B—Application for Grants

##### § 921.10 General.

Section 312 authorizes Federal grants to coastal States so that the States may establish sanctuaries according to regulations promulgated by the Secretary. Coastal States may file applications for grants with the Director, Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Rockville, Maryland 20852. That agency which has been certified to the Office of Coastal Zone Management as the entity responsible for administration of the State coastal zone management program may either submit an application directly, or must endorse and approve applications submitted by other agencies within the State.

##### § 921.11 Application for initial acquisition, development and operation grants.

(a) Grants may be awarded on a matching basis to cover the costs of acquisition, development and operation of estuarine sanctuaries. States may use donations of land or money to satisfy all or part of the matching cost requirements.

(b) In general, lands acquired pursuant to this section, including State owned lands but not State owned submerged lands or bay bottoms, that occur within the proposed sanctuary boundary are legitimate costs and their fair market value may be included as match. However, the value of lands donated to or by the State for inclusion in the sanctuary may only be used to match other costs of land acquisition. In the event that lands already exist in a protected status, their value cannot be used as match for sanctuary development and operation grants, which will require their own matching funds.

(c) Development and operation costs may include the administrative expenses necessary to monitor the sanctuary, to ensure its continued viability and to protect the integrity of the ecosystem. Research will not normally be funded by Section 312 grants. It is anticipated that other sources of Federal, State and

private funds will be available for research in estuarine sanctuaries.

(d) Initial applications should contain the following information:

(1) Description of the proposed sanctuary include location, boundaries, size and cost of acquisition, operation and development. A map should be included, as well as an aerial photograph, if available.

(2) Classification of the proposed sanctuary according to the biogeographic scheme set forth in § 921.4.

(3) Description of the major physical, geographic and biological characteristics and resources of the proposed sanctuary.

(4) Identification of ownership patterns; proportion of land already in the public domain.

(5) Description of intended research uses, potential research organizations or agencies and benefits to the overall coastal zone management program.

(6) Demonstration of necessary authority to acquire or control and manage the sanctuary.

(7) Description of proposed management techniques, including the management agency, principles and proposed budget including both State and Federal shares.

(8) Description of existing and potential uses of and conflicts within the area if it were not declared an estuarine sanctuary; potential use, use restrictions and conflicts if the sanctuary is established.

(i) Assessment of the environmental and socio-economic impacts of declaring the area an estuarine sanctuary, including the economic impact of such a designation on the surrounding community and its tax base.

(9) Description of planned or anticipated land and water use and controls for contiguous lands surrounding the proposed sanctuary (including if appropriate an analysis of the desirability of creating a marine sanctuary in adjacent areas).

(10) List of protected sites, either within the estuarine sanctuaries program or within other Federal, State or private programs, which are located in the same regional or biogeographic classification.

(i) It is essential that the opportunity be provided for public involvement and input in the development of the sanctuary proposal and application. Where the application is controversial or where controversial issues are addressed, the State should provide adequate means to ensure that all interested parties have the opportunity to present their views. This may be in the form of an adequately advertised public hearing.

(ii) During the development of an estuarine sanctuary application, all landowners within the proposed boundaries should be informed in writing of the proposed grant application.

(iii) The application should indicate the manner in which the State solicited the views of all interested parties prior to the actual submission of the application.

(e) In order to develop a truly representative scheme of estuarine sanctuaries, the States should attempt to coordinate their activities. This will help to minimize the possibility of similar estuarine types being proposed for designation in the same region. The application should indicate the extent to which neighboring States were consulted.

(f) Discussion, including cost and feasibility, of alternative methods for acquisition, control and protection of the area to provide similar uses. Use of the Marine Sanctuary authority and funds from the Land and Water Conservation Fund Act should be specifically addressed.

#### § 921.12 Application for subsequent development and operation grants.

(a) Although the initial grant application for creation of an estuarine sanctuary should include initial development and operation costs, subsequent applications may be submitted following acquisition and establishment of an estuarine sanctuary for additional development and operation funds. As indicated in § 921.11, these costs may include administrative costs necessary to monitor the sanctuary and to protect the integrity of the ecosystem. Extensive management programs, capital expenses, or research will not normally be funded by section 312 grants.

(b) After the creation of an estuarine sanctuary established under this program, applications for such development and operation grants should include at least the following information:

(1) Identification of the boundary.

(2) Specifications of the management program, including managing agency and techniques.

(3) Detailed budget.

(4) Discussion of recent and projected use of the sanctuary.

(5) Perceived threats to the integrity of the sanctuary.

#### § 921.13 Federally owned lands.

(a) Where Federally owned lands are a part of or adjacent to the area proposed for designation as an estuarine sanctuary, or where the control of land and water uses on such lands is necessary to protect the natural system within the sanctuary, the State should contact the Federal agency maintaining control of the land to request cooperation in providing coordinated management policies. Such lands and State request, and the Federal agency response, should be identified and conveyed to the Office of Coastal Zone Management.

(b) Where such proposed use or control of Federally owned lands would not conflict with the Federal use of their lands, such cooperation and coordination is encouraged to the maximum extent feasible.

(c) Section 312 grants may not be awarded to Federal agencies for creation of estuarine sanctuaries in Federally owned lands; however, a similar status may be provided on a voluntary basis for Federally owned lands under the provisions of the Federal Committee on Ecological Preserves program.

#### Subpart C—Selection Criteria

##### § 921.20 Criteria for selection.

Applications for grants to establish estuarine sanctuaries will be reviewed and judged on criteria including:

(a) Benefit to the coastal zone management program. Applications should demonstrate the benefit of the proposal to the development or operations of the overall coastal zone management program, including how well the proposal fits into the national program of representative estuarine types; the national or regional benefits; and the usefulness in research.

(b) The ecological characteristics of the ecosystem, including its biological productivity, diversity and representativeness. Extent of alteration of the natural system, its ability to remain a viable and healthy system in view of the present and possible development of external stresses.

(c) Size and choice of boundaries. To the extent feasible, estuarine sanctuaries should approximate a natural ecological unit. The minimal acceptable size will vary greatly and will depend on the nature of the ecosystem.

(d) Cost. Although the Act limits the Federal share of the cost for each sanctuary to \$2,000,000, it is anticipated that in practice the average grant will be substantially less than this.

(e) Enhancement of non-competitive uses.

(f) Proximity and access to existing research facilities.

(g) Availability of suitable alternative sites already protected which might be capable of providing the same use or benefit. Unnecessary duplication of existing activities under other programs should be avoided. However, estuarine sanctuaries might be established adjacent to existing preserved lands where mutual enhancement or benefit of each might occur.

(h) Conflict with existing or potential competing uses.

(i) Compatibility with existing or proposed land and water use in contiguous areas.

If the initial review demonstrates the feasibility of the application, an environmental impact statement will be prepared by the Office of Coastal Zone Management in accordance with the National Environmental Policy Act of 1969 and implementing CEQ guidelines.

##### § 921.21 Public participation.

Public participation will be an essential factor in the selection of estuarine sanctuaries. In addition to the participation during the application development process (§ 921.11(e)), public participation will be ensured at the Federal level by the NEPA process and by public hearings where desirable subsequent to NEPA. Such public hearings shall be held by the Office of Coastal Zone Management in the area to be affected by the proposed sanctuary no sooner than 30 days after it issues a draft environmental impact

statement on the sanctuary proposal. It will be the responsibility of the Office of Coastal Zone Management, with the assistance of the applicant State, to issue adequate public notice of its intention to hold a public hearing. Such public notice shall be distributed widely, especially in the area of the proposed sanctuary; affected property owners and those agencies, organizations or individuals with an identified interest in the area or estuarine sanctuary program shall be notified of the public hearing. The public notice shall contain the name, address and phone number of the appropriate Federal and State officials to contact for additional information about the proposal.

**Subpart D—Operation**

**§ 921.30 General.**

Management of estuarine sanctuaries shall be the responsibility of the applicant State or its agent. However, the research uses and management program must be in conformance with these guidelines and regulations, and others implemented by the provisions of individual grants. It is suggested that prior to the grant award, representatives of the proposed sanctuary management team and the Office of Coastal Zone Management meet to discuss management policy and standards. It is anticipated that the grant provisions will vary with individual circumstances and will be mutually agreed to by the applicant and

the granting agency. As a minimum, the grant document for each sanctuary shall:

- (a) Define the intended research purposes of the estuarine sanctuary.
- (b) Define permitted, compatible, restricted and prohibited uses of the sanctuary.
- (c) Include a provision for monitoring the uses of the sanctuary, to ensure compliance with the intended uses.
- (d) Ensure ready access to land use of the sanctuary by scientists, students and the general public as desirable and permissible for coordinated research and education uses, as well as for other compatible purposes.
- (e) Ensure public availability and reasonable distribution of research results for timely use in the development of coastal zone management programs.
- (f) Provide a basis for annual review of the status of the sanctuary, its value to the coastal zone program.
- (g) Specify how the integrity of the system which the sanctuary represents will be maintained.
- (h) Provide adequate authority and intent to enforce management policy and use restrictions.

**§ 921.31 Changes in the sanctuary boundary, management policy or research program.**

- (a) The approved sanctuary boundaries; management policy, including permissible and prohibited uses; and re-

search program may only be changed after public notice and the opportunity of public review and participation such as outlined in § 921.21.

- (b) Individuals or organizations which are concerned about possible improper use or restriction of use of estuarine sanctuaries may petition the State management agency and the Office of Coastal Zone Management directly for review of the management program.

**§ 921.32 Program review.**

It is anticipated that reports will be required from the applicant State on a regular basis, no more frequently than annually, on the status of each estuarine sanctuary. The estuarine sanctuary program will be regularly reviewed to ensure that the objectives of the program are being met and that the program itself is scientifically sound. The key to the success of the estuarine sanctuaries program is to assure that the results of the studies and research conducted in these sanctuaries are available in a timely fashion so that the States can develop and administer land and water use programs for the coastal zone. Accordingly, all information and reports, including annual reports, relating to estuarine sanctuaries shall be part of the public record and available at all times for inspection by the public.

[FR Doc. 74-12775 Filed 5-31-74; 9:57 am]

## APPENDIX 3

### AGREEMENT AND LEASE

Note: This document has been signed and dated, however a copy of the signed document was unavailable at the time of preparation of this final EIS.

AGREEMENT AND LEASE

Made this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_\_\_

BY AND BETWEEN National Audubon Society, Inc., a non-profit corporation domiciled at 950 Third Avenue, City of New York, State of New York (hereinafter referred to as AUDUBON), Collier County Conservancy, Inc., a non-profit corporation with headquarters at 1262 Third Street, South, Naples, Florida (hereinafter referred to as CCC), and The Nature Conservancy, a corporation organized under the laws of the District of Columbia, with headquarters at 1800 North Kent Street, Arlington, Virginia (hereinafter referred to as TNC), herein called the lessors, and

The State of Florida Department of Natural Resources, an agency of the State of Florida with headquarters in the City of Tallahassee (hereinafter referred to as FLORIDA), herein called the lessee,

WITNESSETH, That in consideration of the covenants herein contained, on the part of the said lessee to be kept and performed, the said lessors do hereby lease to the said lessee, the following described property:

THE LANDS DESCRIBED IN EXHIBITS A & C ATTACHED HERETO  
AND MADE A PART HEREOF.

TO HAVE AND TO HOLD the same for the term of Ninety-nine (99) years from the date of this Agreement, the said lessee paying therefor the annual rent of One Dollar one year from date and annually thereafter.

WITNESSETH THAT, WHEREAS, Section 312 of the Coastal Zone Management Act of 1972, Public Law 92-583, authorizes the Secretary of Commerce of the United States to make matching grants to coastal states for the acquisition, development, and operation of estuarine sanctuaries, in accordance with rules and regulations promulgated by him; <sup>her</sup> and

WHEREAS, pursuant to the Estuarine Sanctuary Guidelines, 15 C.F.R. §921.3(e), the acquisition of a sanctuary may involve less than the acquisition of a fee simple interest if sufficient permanence and control by the State can be assured; and

WHEREAS, FLORIDA has submitted to the United States Department of Commerce, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management (hereinafter referred to as NOAA), an application for the establishment of a Rookery Bay National Estuarine Sanctuary; and

WHEREAS, AUDUBON holds title to, and manages as a wildlife sanctuary, a tract of land in Collier County, Florida, as shown in Exhibit "A" attached hereto (hereinafter referred to as AUDUBON LAND); and

WHEREAS, CCC holds title to a tract of land in Collier County, Florida, as shown in Exhibit "B" attached hereto (hereinafter referred to as CCC LAND), and manages research laboratory facilities thereon; and

WHEREAS, TNC holds title to a tract of land in Collier County, Florida, as shown in Exhibit "C" and holds a reverter interest in all CCC LAND in Exhibit "B" and TNC and CCC each hold reverter interests in some tracts of AUDUBON LAND, as shown in Exhibit "A" attached hereto; and

WHEREAS, the parties hereto desire that the AUDUBON LAND and TNC LAND be included in said proposed Rookery Bay National Estuarine Sanctuary; and

WHEREAS, the parties hereto desire unity of administration of AUDUBON LAND and TNC LAND which is to be included in said proposed Rookery Bay National Estuarine Sanctuary, which unity of administration is to be shared in by FLORIDA, AUDUBON and CCC,

NOW THEREFORE, in consideration of the benefits flowing from each to the other, the parties hereto do mutually agree as follows:

1. AUDUBON and TNC LANDS shall be preserved in its present unimproved wild state as part of the proposed Rookery Bay National Estuarine Sanctuary for a period of not less than ninety-nine (99) years from the date of this Agreement.

2. Upon the establishment of the proposed Rookery Bay National Estuarine Sanctuary, CCC LAND not donated to FLORIDA shall be preserved in a state compatible with the objectives of the Sanctuary for a period of ninety-nine (99) years from the date of this Agreement. CCC, desirous of sharing its facilities with the Sanctuary on such terms as may be agreed upon from time to time, further agrees to convey fee simple title to five (5) contiguous acres of its lands to FLORIDA for use in construction of a Sanctuary management facility, base laboratories or dormitories which five (5) acres shall be selected by FLORIDA and consented to by CCC.

3. Upon the establishment of the Rookery Bay National Estuarine Sanctuary, AUDUBON, CCC and FLORIDA shall share in the management of all Sanctuary lands within the framework of the Federal Estuarine Sanctuary guidelines set forth in Federal Register, Volume 39, No. 108, Part IV, pages B-30 through B-35. The management of the Rookery Bay National Estuarine Sanctuary shall be in accordance with the following administrative structure:

(a) FLORIDA shall establish a Sanctuary Management Board which shall consist of one representative each from the State of Florida Department of Natural Resources, AUDUBON and CCC. The Sanctuary Management Board shall develop proposed management guidelines, policies, and procedures which, upon adoption by FLORIDA and approval by NOAA, shall be the controlling guidelines, policies, and procedures to be followed by the Sanctuary Management Board in the administration of the Sanctuary. The FLORIDA representative on the Sanctuary Management Board shall serve as chairman of the Board and

shall be the individual responsible for supervision of the Sanctuary Manager and staff. The Sanctuary Management Board, with concurrence of the chairman, shall have sole authority to authorize or initiate management, scientific and research activities and educational programs in the Sanctuary in accordance with guidelines, policies, and procedures adopted by FLORIDA and approved by NOAA. CCC shall obtain prior approval of the Sanctuary Management Board for environmental education or research activities to be conducted by it on Sanctuary lands.

(b) A Sanctuary Manager and, if necessary, additional staff shall be located at the Rookery Bay National Estuarine Sanctuary to carry out on-site functions as directed through the Chairman of the Sanctuary Management Board. Such personnel shall be hired under contractual arrangement to be determined by the Sanctuary Management Board to conform with Florida Statute or regulation or rule.

(c) Advisory Committees to the Sanctuary Management Committee may be established at the discretion of the Sanctuary Management Board. Said Advisory Committees may serve as advisory bodies to the Sanctuary Management Committee in the areas of research, management, and/or education.

4. FLORIDA, AUDUBON and CCC agree that signs posted at the Sanctuary, public information material about the Sanctuary and its operations, and the publications resulting from research conducted on it shall uniformly and equally carry the name of National Audubon Society, Inc. and Collier County Conservancy, Inc. as well as the appropriate agency of the State of Florida as cooperators or participants.

5. TNC and CCC agree that this Agreement shall not abrogate the reverter interest held by either TNC or CCC in certain AUDUBON LAND, provided, however, that the execution of this Agreement shall not constitute a breach of any and all conditions upon which AUDUBON LAND would revert to TNC or CCC.



6. AUDUBON and TNC agree that for a period of not less than ninety-nine (99) years from the date first hereinabove written, neither AUDUBON nor TNC shall voluntarily transfer, lease or encumber any portion of the AUDUBON LAND or TNC LAND without prior written permission of NOAA and FLORIDA. Upon prior written permission of NOAA and FLORIDA, AUDUBON and TNC and CCC may transfer all or any portion of the AUDUBON LAND and TNC or CCC LAND to another conservation organization then exempt from federal income tax under Section 501(c)(3), or a then corresponding provision of the Internal Revenue Code, provided the instrument of transfer shall contain the same restrictive covenants as set forth in this Agreement.

7. In the event that the Rookery Bay National Estuarine Sanctuary is not established within two years from the date of this Agreement, or in the event the AUDUBON LAND or TNC LAND is not included in said Rookery Bay National Estuarine Sanctuary, or in the further event that NOAA ceases to maintain the designation of the Rookery Bay National Estuarine Sanctuary as a national estuarine sanctuary, any party to this Agreement shall thereupon have the right to terminate this Agreement by mutual agreement or by giving written notice by registered mail of such termination and specifying the effective date thereof, at least ninety (90) days prior to the effective date of such termination.

8. This Agreement shall be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have set their respective hands and seals hereonto the date first above written.

(CORPORATE SEAL)

NATIONAL AUDUBON SOCIETY, INC.

By: \_\_\_\_\_

ATTEST: \_\_\_\_\_

(CORPORATE SEAL)

Witnesses:

\_\_\_\_\_  
\_\_\_\_\_

(CORPORATE SEAL)

Witnesses:

\_\_\_\_\_  
\_\_\_\_\_

(SEAL)

Witnesses:

*Saskia L. Renaut*  
*[Signature]*

COLLIER COUNTY CONSERVANCY

By: \_\_\_\_\_

ATTEST: \_\_\_\_\_

THE NATURE CONSERVANCY

By: \_\_\_\_\_

ATTEST: \_\_\_\_\_

STATE OF FLORIDA  
DEPARTMENT OF NATURAL RESOURCES

*Harmon W. Shields*  
By: Harmon W. Shields  
Executive Director

*Mary C. Novak*  
ATTEST: Mary C. Novak  
Executive Secretary

NOTED AS TO  
FORM AND LEGALITY  
*[Signature]*  
CLERK - D.N.R.

Description of ROOKERY BAY SANCTUARY owned by National Audubon Society, Inc. and situated in Collier County, Florida.

- (1) Deed from Evernia Corporation to National Audubon Society, Inc. dated April 14, 1966:

Government Lots 1 through 6 of Section 1;  
Government Lots 1 through 9 of Section 12;  
and Government Lots 1, 2, 4, 5, and 6 of  
Section 13, Township 51 South, Range 25  
East.

- (2) Deed from Seagrape to National Audubon Society, Inc.  
dated April 14, 1966:

All of Section 7; and Government Lots 1  
through 5 inclusive and Government Lots 7  
through 12 inclusive of Section 18, Town-  
ship 51 South, Range 26 East.

- (3) Deed from Evernia Corporation to National Audubon Society,  
Inc. dated June 26, 1967:

The Southwest quarter (SW 1/4) of the  
Southwest quarter (SW 1/4) of Section 5;  
and the Southeast quarter (SE 1/4) of the  
Southeast quarter (SE 1/4) of Section 6,  
all being in Township 51 South, Range 26  
East.

- (4) Deed from Bell Land Corporation to National Audubon Society,  
Inc. dated June 26, 1967:

All of Section 8; and the southeast quarter  
(SE 1/4) and Government Lots 1 through 4,  
inclusive, of Section 17, all being in  
Township 51 South, Range 26 East.

- (5) Deed from Collier Conservancy, Inc., to National Audubon  
Society, Inc. dated January 30, 1975:

The SW 1/4 of the SE 1/4 of Section 5,  
Township 51 South, Range 26 East, and  
the SE 1/4 of the SW 1/4 of Section 5,  
Township 51 South, Range 26 East, Collier  
County, Florida.

- (6) The Nature Conservancy to National Audubon Society, Inc.  
dated November 22, 1972:

The NW 1/4 of SW 1/4 of Section 5, Town-  
ship 51 South, Range 26 East, Collier  
County, Florida.

- (7) Deed from The Nature Conservancy to National Audubon Society,  
Inc. dated February 24, 1972:

**First Parcel**

Beginning at the Southeast Corner of Section 11, Range 25  
East, Township 51 South, and run North 88°35'13" East along  
the South boundary line of Section 12, Township 51 South,  
Range 25 East, a distance of 671.90 feet to a point, said  
point being the South end and beginning of bulkhead line  
on Rookery Bay; thence run North 39°59'36" West, a distance  
of 1070.03 feet to a point of intersection with the East  
boundary of said Section 11; thence run South along the  
Eastern boundary of Section 11, Township 51 South, Range 25  
East, to the Point of Beginning.

### Second Parcel

A TRACT of land being delineated as a 100' waterway on the COLLIER-READ TRACT MAP, as recorded in Plat Book 8 at Page 46 of the Public Records of Collier County, Florida. Said waterway lies North and West of Development Tract -B, and lies North and East of Conservation Tract -23, and on the East side of Hall Bay. Said waterway lies in Sections 19 and 20, Township 51 South, Range 26 East, Collier County, Florida and contains 5.2 Acres more or less;

AND

TRACT "VV", MARCO BEACH UNIT TWENTY-FOUR, as recorded in Plat Book 10, at Pages 1 through 32 of the Public Records of Collier County, Florida and containing 4.95 Acres more or less;

### Third Parcel

Government Lot 9 in Section 11; Government Lots 3 and 7 in Section 13, and Government Lots 3 and 4 in Section 24, all in Township 51 South, Range 25 East, Collier County, Florida; AND

All of those submerged bottom lands in Section 11, Township 51 South, Range 25 East, Collier County, Florida, lying between the mean high water line boundary of Government Lot 9 of said Section 11 and that portion of the established bulkhead line lying in said Section 11, described as follows:

From the Southeast Corner of said Section 11, run North  $1^{\circ}05'47''$  West, a distance of 836.49 feet to the Point of Beginning of said portion of the established bulkhead line; thence North  $17^{\circ}36'49''$  West, a distance of 437.78 feet; thence North  $35^{\circ}45'59''$  West, a distance of 778.47 feet; thence North  $78^{\circ}21'53''$  West, a distance of 635.25 feet to a point of curvature; thence to the left on an arc having a central angle of  $24^{\circ}23'30''$ , a radius of 915 feet, a tangent of 197.76 feet, for a distance of 389.53 feet to a point of reverse curvature; thence to the right on an arc having a central angle of  $49^{\circ}38'36''$ , a radius of 450 feet, a tangent of 208.14 feet, for a distance of 389.90 feet to a point on reverse curvature; thence to the left on an arc having a central angle of  $25^{\circ}15'06''$ , a radius of 825.00 feet, a tangent of 184.80 feet, for a distance of 363.60 feet to a point of tangency; thence run North  $78^{\circ}21'53''$  West, for a distance of 246.00 feet to a point of curvature; thence to the left on an arc having a central angle of  $121^{\circ}23'53''$ , a radius of 380 feet, a tangent of 677.13 feet, for a distance of 805.14 feet to a point of compound curvature; thence to the left on an arc having a central angle of  $32^{\circ}30'00''$ , a radius of 850 feet, a tangent of 247.75 feet, for a distance of 482.15 feet to a point of tangency; thence run South  $52^{\circ}15'46''$  East, for a distance of 300.00 feet to a point of curvature; thence to the right on an arc having a central angle of  $18^{\circ}50'59''$ , a radius of 2002.18 feet, a tangent of 332.35 feet, for a distance of 658.70 feet to a point of tangency; thence run South  $33^{\circ}24'47''$  East, for a distance of 924.11 feet to a point on the South boundary line of said Section 11, which is the South end of said bulkhead line.

-2-

EXHIBIT "A"

Description of land in proposed Rookery Bay National Estuarine Sanctuary owned by Collier County Conservancy, Inc. and situated in Collier County, Florida.

(1) Deed from The Nature Conservancy to Collier County Conservancy, Inc. dated May 25, 1972:

First Parcel [Copley property - approx. 42 acres]

---A parcel of land lying in Government Lot 5, Section 17, Township 51 South, Range 26 East, Collier County, Florida, being more particularly described as follows:  
Beginning at the South 1/4 corner of Section 17, Twp. 51 So., Range 26 East, Collier County, Florida; thence West along the South line of said Section 17, a distance of 769.06 feet to a concrete monument; thence North 14°10'43" West 1475.8 feet to a concrete monument; thence continue North 14°10'43" West to the mean high water line of the Southerly shore of Henderson Creek; thence meandering Northeasterly along said mean high water line to its intersection with the North and South 1/4 line of said Section 17; thence Southerly along the North and South 1/4 line to the place of beginning; being a part of the Southwest 1/4 of Section 17, Twp. 51 So., Range 26 East, Collier County, Florida.

Second Parcel [Shell Point property - approx. 37+ acres]

Government Lot 6, Section 18, Township 51 South, Range 26 East; and Government Lot 5, Section 17, Township 51 South, Range 26 East, Collier County, Florida, excepting therefrom the following:

BEGINNING at a concrete monument at the corner of Hall Bay, said point being at the intersection of Hall Bay and the South line designating Section 17 and 18, Township 51 South, Range 26 East, Collier County, Florida, and running East along the South line of Section 17 and 18, 792 feet to a concrete monument; thence North 1561 feet, more or less, to the South shore of Henderson Creek and point of beginning and thence South 14 degrees East 1610 feet, more or less, to a concrete monument on the South line of Government Lot 5; thence East to the Southeast corner of Government Lot 5; thence North 2640 feet, more or less, to the Northeast corner of Government Lot 5; thence West to Henderson Creek; thence Southeasterly with the meander of said creek to the point of beginning;

(b) Also a parcel of land described as beginning at a meander corner of Hall Bay, said corner marking the Southwest corner of Lot 5, in Section 17, Township 51 South, Range 26 East, and run in a Northwesterly direction with the meanders of said Hall Bay 904 feet; thence East 660 feet, to a Point of Beginning; thence East 210 feet; thence North 210 feet, thence West 210 feet, South 210 feet to the Point of Beginning;

(c) Also a parcel of land described as beginning at a meander corner of Hall Bay, said corner marking the Southwest corner of Lot 5, in Section 17, Township 51 South, Range 26 East, and run in a Northwesterly direction with the meanders of Hall Bay to a point in the center of a canal (running in a Northeasterly direction towards Henderson Creek), same being the Point of Beginning; thence along the center of said canal to Henderson Creek; thence in a Northwesterly direction with the meanders of the Creek to the intersection with Hall Bay, thence West and Southeast with the meanders of Hall Bay to the center of the said canal and Point of Beginning, Collier County, Florida;

Also described as:

Beginning at a concrete monument at the intersection of Hall Bay and the South line designating Sections 17 and 18, Township 51 South, Range 26 East, Collier County, Florida, and running East along said South line 1175.2 feet, more or less to a concrete monument, thence North 14° West, more or less 1476 feet, more or less, to the South shore of Henderson Creek; thence westerly following the shore of Henderson Creek to Hall Bay, and thence Southerly following the shore of Hall Bay to the point of beginning.

Description of land in proposed Rookery Bay National Estuarine Sanctuary owned by The Nature Conservancy and situated in Collier County, Florida.

---

County of Collier, State of Florida, Government Lots 2 through 5, Section 19, Township 51 South, Range 26 East. According to the Surveyor General, township plat containing 57.14 acres.

Reserving unto the grantors all oil, gas and mineral rights. Subject to the following covenants:

1. The above tract is to be left in its natural state as a natural resource and sanctuary.
2. Said tract is to be maintained, protected and policed by the grantee.

EXHIBIT C

**APPENDIX 4**

**COMMENTS RECEIVED ON THE  
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

UNITED STATES DEPARTMENT OF AGRICULTURE  
SOIL CONSERVATION SERVICE

---

State Office, P. O. Box 1208, Gainesville, FL 32602

July 13, 1977

Dr. Robert R. Kifer  
Office of Coastal Zone Management  
3300 Whitehaven Street, N. W.  
Washington, D. C. 20235

Dear Dr. Kifer:


RE: Draft Environmental Impact Statement for Rookery Bay Estuarine  
Sanctuary, Collier County, Florida

We have reviewed the subject impact statement and offer the following  
comments:

1. If the sanctuary is to be used purely for scientific research as a natural control, efforts should be made to acquire the remainder of the section in which parcel 3 occurs. A significant portion of the Henderson Creek drainage basin, from an impact on estuary standpoint, would then be in a buffer zone.
2. If there is to be no use of the resource, such as sport and commercial fishing on a sustained yield basis, recreational activities, etc., an annual monetary loss should be shown. This should also include taxes foregone.

We appreciate the opportunity to review and comment.

Sincerely,

  
William E. Austin  
State Conservationist

cc: R. M. Davis  
F. G. Maxwell





DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS UNITED STATES AIR FORCE  
WASHINGTON, D.C.



REPLY TO  
ATTN OF: PREV

20 JUL 1977

SUBJECT: Draft Environmental Impact Statement (DEIS) Review, Subject:  
Rookery Bay Estuarine Sanctuary - Proposed Grant Award

TO: Dr. Robert R. Kifer  
Office of Coastal Zone Management  
3300 Whitehaven Street, N.W.  
Washington, D.C. 20235

We have reviewed the subject DEIS as requested and find  
no adverse impact on the Air Force.

FOR THE CHIEF OF STAFF

A handwritten signature in cursive script, reading "Luis F. Dominguez", is written over the typed name and title.

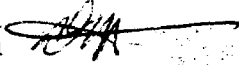
**LUIS F. DOMINGUEZ, Colonel, USAF**  
**Chief, Environmental Planning Division**  
**Directorate of Engineering & Services**



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
Rockville, Maryland 20852

DATE : AUG 10 1977

TO : Robert W. Knecht  
Acting Associate Administrator for  
Coastal Zone Management

FROM : Donald P. Martineau   
Acting Associate Administrator for  
Marine Resources

SUBJECT: DEIS - Rookery Bay, Florida, Estuarine Sanctuary

On August 9, 1977, we received the following comments on subject document from NMFS. MR has no record of receiving subject document for review although we did review and comment on the Rookery Bay Discussion Paper.

Attachment





**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
National Marine Fisheries Service  
Washington, D.C. 20235

F53/KO

AUG 4 1977

TO: Robert F. Hutton  
Director, State Affairs Office, MRx4

FROM: *Robert W. Schoning*  
Robert W. Schoning, Director  
National Marine Fisheries Service

SUBJECT: DEIS - Rookery Bay, Florida, Estuarine Sanctuary

Per Dr. Galler's June 16 request and in accordance with Dr. White's March 24, 1976, memorandum on internal CZM review procedures, we have reviewed subject DEIS.

Our comments are attached.

Attachment

cc: F F5 Fx5(Fisher) FNE62 F135 FSE FSE613 FSW3 FNW5 FAK2  
CZ(O'Donnell)

RECEIVED

AUG 9 1977



T.C. F53

KEN OSBORN



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Duval Building  
9450 Gandy Boulevard  
St. Petersburg, FL 33702

August 2, 1977

TO: Director, Ofc of Ecology &  
Environmental Conservation, EE

THRU: Acting Assistant Director for Scientific  
and Technical Services, F5

FROM: *William A. Stevenson*  
Regional Director

SUBJECT: Comments on Draft Environmental Impact Statement -  
Rookery Bay Estuarine Sanctuary (U.S. DOC, Ofc of  
CZM) (DEIS #76-06-01)

The draft environmental impact statement for the Rookery Bay Estuarine Sanctuary that accompanied your memorandum of June 16, 1977, has been received by the National Marine Fisheries Service for review and comment.

The statement has been reviewed and the following comments are offered for your consideration.

General Comments:

As noted in our April 15, 1976, letter to Mr. Thomas Savage (copy enclosed), we are pleased that the Rookery Bay Sanctuary is proposed as an estuarine sanctuary. In regards to the DEIS, however, we are concerned with the statement's perfunctory discussion of alternatives. There is a strong impression that funding this action has become an irrevocable decision and that only the briefest treatment of alternatives is, therefore, warranted.

Specific Comments:

III. Description of the Environment Affected

C. Fish, Wildlife, and Birds

Page 9, Fish. The statement should note that the multiple use of estuarine sanctuaries continues to allow low intensity fishing and hunting (see Fed. Reg. Vol. 39, No. 1.08, p. 29925). The impression in the DEIS is that the sanctuary will exist for only research and educational purposes and we suggest adding a brief discussion of other uses here, or perhaps in the section on impacts (page 12).

## V. Alternatives

Page 13, paragraph 1-4. These sections are not discussions of alternatives but rather a series of conclusions that apparently caused alternatives to be discarded. The reader should be minimally advised of what selection processes were followed; what alternative management systems were contemplated; what alternative methods of acquiring control other than estuarine sanctuary status were considered; and what criteria were used to negate possibilities of delaying or refusing the grant. An adequate discussion of alternatives is a major feature of any environmental impact statement because it details why a specific action is selected from an array of possibilities. We recommend, therefore, that the statement set forth the various alternatives and clearly describe their respective benefits and problems.

## Reference

Page 13. We suggest that this section either be retitled to reflect its status as a collection of pertinent literature, or that the studies be appropriately inserted in the text. None of the 12 separate studies is alluded to in the statement.

It is requested that one copy of the Final EIS be sent our Area Supervisor, Environmental Assessment Division, P.O. Box 4218, Panama City, FL 32401.

Enclosure

cc:  
F53 (3)  
FSE613



FSE 41

**U.S. DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL MARINE FISHERIES SERVICE**  
Duval Building  
9450 Gandy Boulevard  
St. Petersburg, FL 33702

April 15, 1976

FSE44

Mr. Thomas Savage  
Research Coordinator  
Bureau of Coastal Zone Planning  
Division of Resource Management  
Florida Department of Natural Resources  
309 Magnolia Office Plaza  
Tallahassee, FL 32301

Dear Mr. Savage:

We are pleased to learn that the State of Florida is proposing that Rookery Bay Estuary in Collier County be designated as a marine sanctuary pursuant to Title III of the Marine Protection Research and Sanctuaries Act of 1972. We understand the area is to be dedicated to advancement and promotion of scientific research to assist understanding of the marine ecosystem and the impact of man's activities.

As a typical estuarine area, as yet unspoiled by man, Rookery Bay Estuary would make an excellent laboratory in the wild. It is imperative that representative estuarine areas of this type be preserved so as to provide an ecological baseline against which to measure man's effects on the estuarine ecosystem. It can also be used to further our understanding of natural estuarine processes. As you can gather, we strongly endorse the idea of using this virgin estuarine area to further research by State and Federal resource management agencies and by University researchers.

In the interest of providing specific ideas as to research projects which might be undertaken by scientists concerned with estuarine ecosystems, I am asking our research Centers and our Environmental Assessment Division to forward direct to you their ideas as to the broad spectrum of research projects which might be carried out in Rookery Bay Estuary. I have asked that they try to get these ideas to you by April 26.



Thank you for the opportunity to assist your research planning. I trust that our input will be useful.

Sincerely,

(Signed) H.B. Allen

William H. Stevenson  
Regional Director

BCC:

F10 (Angelovic)  
F28 (Seagran)  
F12 (Bollis)  
FSE21 (Hoogland)  
F15 (Rice)

FSE44/EDPremetz/clw



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

REGION IV  
50 7TH STREET N.E.  
ATLANTA, GEORGIA 30323

August 2, 1977

OFFICE OF THE  
REGIONAL DIRECTOR

HEW-788-6-77

023 D

Dr. Robert R. Kifer  
Office of Coastal Zone Management  
3300 Whitehaven Street, N.W.  
Washington, D.C. 20235

Subject: Rookery Bay Estuarine Sanctuary, Florida

Dear Mr. Kifer:

We have reviewed the subject draft Environmental Impact Statement. Based upon the data contained in the draft, it is our opinion that the proposed action will have only a minor impact upon the human environment within the scope of this Department's review. The impact statement has been adequately addressed for our comments.

Sincerely yours,

Philip P. Sayre  
Regional Environmental Officer  
DHEW-Region IV





DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, D.C. 20410

OFFICE OF THE ASSISTANT SECRETARY  
FOR COMMUNITY PLANNING AND DEVELOPMENT

11 AUG 1977

IN REPLY REFER TO:

Honorable Robert Knecht  
Associate Administrator, Office of  
Coastal Zone Management  
National Oceanic and Atmospheric  
Administration  
3330 Whitehaven Street, N.W.  
Washington, D. C. 20235

Dear Mr. Knecht:

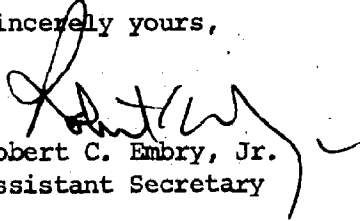
The Department has reviewed the draft environmental impact statement of the proposed Rookery Bay, Florida, estuarine sanctuary, and I offer the following summary of comments for your consideration. We support the proposal to establish the estuarine sanctuary but suggest additional documentation is needed to improve depth and scope of material presented in order to permit the reader to properly understand and analyze the proposal.

1. A copy of the "Rookery Bay Land Use Study" or pertinent parts of the study should be included in the text of the report. The DEIS does not discuss proposed land uses for the area, zoning, or other pertinent land use related matters which would affect private land owners in the estuary.
2. As far as we can determine, the State of Florida has not completed its Coastal Zone Management Plan nor submitted it to the Office of Coastal Zone Management for approval. Therefore, the relationship of the proposed estuarine sanctuary to the Coastal Zone Plan is unknown. The DEIS should be coordinated with and referenced to the Coastal Zone Plan.
3. Description of the existing natural resources is rather brief; it lacks a description of topography and climatology data. Since this is an estuary, fathomic data on Rookery Bay, Henderson Creek and Johnson Bay would be advisable in order to have a complete geographic analysis of the area.

4. Alternatives do not consider private use of existing land holdings in case present land owners decide not to sell property to the State of Florida and eminent domain proceedings are unsuccessful. Also, the overall discussion of alternatives is too brief and does not adequately analyze alternatives.
5. No plan of the estuary's intended use is included in the DEIS. Will the site remain as is, will areas be open for public recreation, will boating, fishing and camping be permitted? None of these facets or other questions concerned with maintaining a public area are raised or answered in the report.

We appreciate the opportunity to comment on the draft EIS for the proposed sanctuary, Rookery Bay, Florida, and look forward to continued coordination in this effort.

Sincerely yours,



Robert C. Embry, Jr.  
Assistant Secretary



# United States Department of the Interior

## OFFICE OF THE SECRETARY

*Southeast Region / 148 Cain St., N.E. / Atlanta, Ga. 30303*

August 9, 1977

ER-77/600

Mr. Robert R. Kifer  
Office of Coastal Zone Management  
National Oceanic and Atmospheric  
Administration  
Department of Commerce  
3300 Whitehaven Street, N. W.  
Washington, D. C. 20235

Dear Mr. Kifer:

The Department of the Interior has completed its review of your draft environmental statement for the Rookery Bay Estuarine Sanctuary, Collier County, Florida. We offer the following comments:

### General Comments

The draft statement is very brief and would be improved by including additional specific information on the area itself, what the plans are for its management, and what activities will be forgone when the sanctuary is established.

The statement is deficient in its assessment of the value of the site or area as a recreation resource before and after action implementation. It is not specific as to whom will receive the benefits of the proposed action, and the degree to which the action fits into and is in harmony with recreation needs identified in local, state, regional, or national recreation plans. It mentions a future operations and management plan which we feel should and must be included as part of the statement in order to evaluate the environmental impacts of the proposed action.

### Specific Comments

Page 3, Description of the Proposed Action - The document should address more fully how the State preserve will be managed, whether or not the general public will be excluded, and what is meant by an estuarine sanctuary.

Pages 4 and 5, Figure 1

Both the figure and legend require some explanation. For example, the BLM designation on the map in parcel # 5 is shown on the legend as Collier County School Board. The exact meaning of the numbers and letters in the legend is unclear.

Page 6, Description of the Environment Affected - This section should describe the developments and the probable future environment without implementation of the proposed action.

The titles under Sections A, B, and C should be considered as part of natural resources (Section A). Under Biological Characteristics - a cross-sectional diagram of community succession from submerged to terrestrial stages would enhance this discussion. A discussion of the unique food-web relationships and community structure should be added to show why this area has been selected for an estuarine sanctuary.

Page 12, Impacts - This section should be expanded to discuss the adverse impacts of (1) loss of resource use; (2) restrictions on land and water use; and (3) loss of tax revenues. In addition, this section should identify the extent to which the proposed action would curtail, restrict, or possibly enhance the range of resource use for recreation.

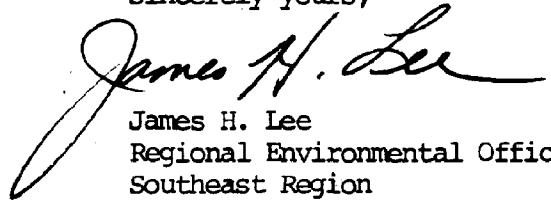
Page 13, Alternatives - The discussion of the alternatives seems to be limited to justification. The viable alternatives and the various impacts of each should be addressed.

Appendix 3

Agreement and Lease: If possible, a copy of the dated and signed document should be included in the final statement.

We appreciate the opportunity to review this statement.

Sincerely yours,

A handwritten signature in cursive script, reading "James H. Lee". The signature is written in dark ink and is positioned above the printed name and title.

James H. Lee  
Regional Environmental Officer  
Southeast Region



17  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET  
ATLANTA, GEORGIA 30308

July 29, 1977

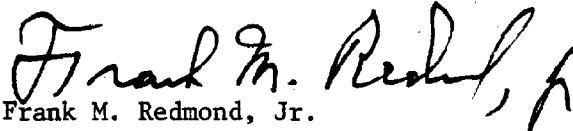
Mr. Sidney R. Galler, Deputy Assistant  
for Environmental Affairs  
Assistant Secretary for Science and  
Technology Office  
U. S. Department of Commerce  
Washington, D. C. 20230

AUG 11 1977

Dear Mr. Galler:

Region IV of the U. S. Environmental Protection Agency has reviewed  
the Draft Environmental Impact Statement on the proposed Rookery Bay,  
Florida, Estuarine Sanctuary. We have no comments to make other than  
to express our support for the proposal.

Sincerely yours,



Frank M. Redmond, Jr.  
Chief, EIS Review Section

8/2/77

UNITED STATES OF AMERICA  
GENERAL SERVICES ADMINISTRATION

*Public Buildings Service*  
Washington, DC 20405

5



JUN 29 1977

Dr. Robert R. Kifer  
Office of Coastal Zone Management  
3300 Whitehaven Street, NW  
Washington, DC 20235

Dear Dr. Kifer:

The General Services Administration has reviewed the draft environmental impact statement for the Estuarine Sanctuary Grant Award for Rookery Bay, Collier County, Florida, and have no substantive comments to make.

Thank you for the opportunity to comment.

Sincerely,

ANDREW E. KAUDERS  
Director, Environmental Affairs Division  
Special Studies and Programs Office



*Keep Freedom in Your Future With U.S. Savings Bonds*



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

4

JUL 11 1977

Dr. Robert R. Kifer  
Office of Coastal Zone Management  
3300 Whitehaven Street, N. W.  
Washington, D. C. 20235

Dear Dr. Kifer:

This is in response to your request for comments on the Draft Environmental Impact Statement for the Rookery Bay Estuarine Sanctuary in Collier County, Florida.

We have reviewed the statement and determined that the action has no significant radiological health and safety impacts nor will it adversely affect any activities subject to regulation by the Nuclear Regulatory Commission. Accordingly, we have no substantive comments to make.

Thank you for providing us with the opportunity to review the Rookery Bay Estuarine Sanctuary Draft Environmental Impact Statement.

Sincerely,

*Voss A. Moore*

Voss A. Moore, Assistant Director  
for Environmental Projects  
Division of Site Safety and  
Environmental Analysis

cc: CEQ (5)



# Environmental Action Group

August 3, 1977

Dr. Robert R. Kifer  
Office of Coastal Zone Management  
3300 Whitehaven Street, NW  
Washington, D.C.

Dear Dr. Kifer:

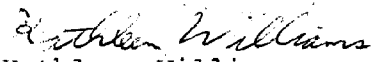
The Environmental Action Group of the University of Florida would like to comment on the proposed establishment of the Rookery Bay Estuarine Sanctuary in Florida.

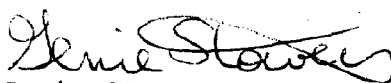
We feel, that in keeping with the objective of the Coastal Zone Management Act of 1972, the establishment of the Rookery Bay Sanctuary is a valuable and necessary action in helping to preserve the unique environment of our state. In addition to the preservation of many vegetative species and the estuarine environment itself, such a sanctuary would offer refuge for quite a few species of birds and mammals, including the endangered brown pelican, bald eagle, and manatee which are in vital need of protection.

We are interested in knowing what types and levels of recreation, fishing, hunting, wildlife observation, and other scientific and educational activities as provided for in the Act, will be permitted and what management plans have been formulated.

We thank you for the opportunity to comment and remain available for any further comment.

Sincerely,

  
Kathleen Williams  
Wildlife Program Director

  
Genie Stowers  
Executive Director

KW/gs

Suite 304 J.W. Reitz Union, University of Florida, Gainesville, Florida 32611 (904) 392-1635

EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER



SINCE NINETEEN-HUNDRED



"THE VOICE OF CONSERVATION"

July 26, 1977

Dr. Robert Kifer  
Office of Coastal Zone Management  
3300 Whitehaven Street, NW  
Washington, D.C. 20235

Dear Dr. Kifer:

The Florida Audubon Society requests that this letter be incorporated into the record of the Public Hearing to be held July 26, 1977 concerning the proposed establishment of the Rookery Bay Estuarine Sanctuary.

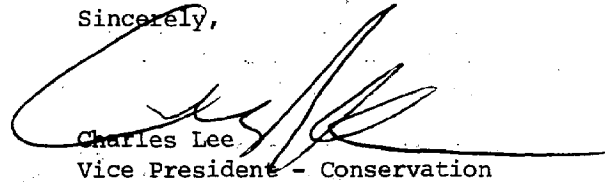
The Florida Audubon Society strongly supports the Rookery Bay Estuarine Sanctuary proposal and urges the Office of Coastal Zone Management to proceed as quickly as possible in incorporating this important estuarine area into the National Sanctuary Program. The establishment of the Rookery Bay Estuarine Sanctuary will result in the preservation of 8500 acres of one of Southwest Florida's principal West Indian estuarine systems. Approximately 3100 acres of this area is currently unprotected, and the remainder, while controlled by the Collier County Conservancy, the National Audubon Society, and the Nature Conservancy, is subject to damage from adjacent development pressures. The establishment of the National Estuarine Sanctuary as proposed will facilitate the coordinated long range preservation of the Rookery Bay Estuary by the State of Florida.

At least three endangered species - the Brown Pelican, the Bald Eagle, and the manatee - are documented to utilize the estuary which would be protected by the proposed sanctuary. In addition, the waters of the Rookery Bay Estuary constitute a portion of the designated critical habitat of the manatee, established pursuant to Section 7 of the Endangered Species Act.

Dr. Robert Kifer  
July 26, 1977  
Page 2

We have reviewed the draft Environmental Impact Statement concerning the proposed Rookery Estuarine Sanctuary, and strongly concur in its findings relative to the benefits which will be derived through the proposed action. On behalf of the 35,000 members of the Florida Audubon Society, we offer our full support for the creation of this important National Estuarine Sanctuary.

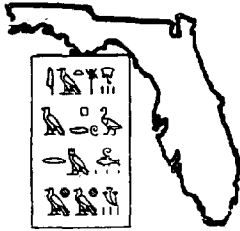
Sincerely,



Charles Lee  
Vice President - Conservation

rd

cc: Mr. Willard Merrihue  
Mr. Bernie Yokel



FLORIDA CHAPTER  
OF  
THE WILDLIFE SOCIETY

414 N. E. 21st Avenue  
Ocala, Florida 32670

27 July 1977

Dr. Robert R. Kifer  
Office of Coastal Zone Management  
3300 Whitehaven Street, N. W.  
Washington, D. C. 20235

Ref: Draft Environmental Impact Statement, Proposed Estuarine  
Sanctuary Grant Award for Rookery Bay, Collier County,  
Florida to State of Florida.

Dear Dr. Kifer:

I would like to express our organizations support for the proposed action relative to the establishment of an estuarine sanctuary at Rookery Bay, Collier County, Florida. Our support is based on the fact that 5,400 acres of the proposed 8,500 acre area is presently maintained as a private sanctuary and on the assumption that establishment of this sanctuary at Rookery Bay will not preclude the establishment of other sanctuaries in the State of Florida under authority of the Coastal Zone Management Act (P.L. 92-583).

We believe that establishment of such areas for long-term research and educational purposes will enhance proper utilization and preservation of estuarine resources. We further believe that the Rookery Bay area, as detailed in subject Draft Environmental Impact Statement (DEIS) merits strong consideration under P. L. 92-583.

I would like to identify one important deficiency which we feel exists in the DEIS. The constitution of the State of Florida states that the Florida Game and Fresh Water Fish Commission (FGFWFC) has jurisdiction over wildlife of the State. This jurisdiction has been interpreted to include all sea birds, an interpretation with which we agree. The DEIS and the lease agreement contained therein (Appendix 3) fail to clarify the mechanisms whereby the FGFWFC will have input into research on and/or decisions affecting this faunal group. We believe that

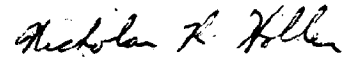
*need to deal with*

Dr. Robert R. Kifer  
27 July 1977  
Page two (2)

this subject should be addressed in the Final EIS following consultation by the respective parties with the FGFWFC.

We appreciate the opportunity to comment on this proposal.

Sincerely,



Nicholas R. Holler  
President, Florida Chapter of  
THE WILDLIFE SOCIETY

cc: Harmon Shields, DNR  
Robert Brantly, FGFWFC

1194 W. Vanderbilt Ct.  
Sunnyvale, CA 94087

August 3, 1977

Dr. Robert R. Kifer  
Office of Coastal Zone Management  
3300 Whitehaven Street, N.W.  
Washington, D.C. 20235

Ref.: Draft Environmental Impact Statement, Proposed Grant  
Award for Rookery Bay Estuarine Sanctuary

Dear Dr. Kifer:

Thank you for the opportunity to review and comment on the referenced draft EIR. After a careful reading of the EIR I have come to the conclusion that establishment of the proposed estuarine sanctuary in Florida will have no adverse effect on the environment of the region and state. Indeed, it will have a beneficial effect by preventing exploitation of a fragile and productive ecosystem.

The EIR is well-prepared and adequate for its intended purpose. It does not indicate possible pollution of the water flowing into and through the proposed sanctuary from the wider environment, however. On page 6, the EIR states that during periods of heavy rainfall overflow from the Golden Gate Canal into Henderson Creek, the most significant source of inflow, is nine times the monthly average. Since this canal comes from the direction of the city of Naples, Fort Myers, and the Lee County Airport, one may enquire whether it is polluted, both in dry weather and in periods of heavy rainfall when sewage treatment plants may be by-passed. Are there plans to monitor the water flowing through the sanctuary for pollution, since drainage there is naturally sluggish, and the self-cleansing capacity of the areas above reach of tidal action must be rather limited?

Yours truly,



Ronald R. Gilliam



# National Audubon Society

950 THIRD AVENUE, NEW YORK, N.Y. 10022 (212) 832-3200 CABLE: NATAUDUBON

July 28, 1977

Dr. Robert R. Kifer  
Office of Coastal Zone Management  
3300 Whitehaven Street, N.W.  
Washington, D.C. 20235

Dear Bob:

Here is a type-written copy of the statement I made  
in Naples.

It was a pleasure seeing you down there.

Best regards.

Sincerely,

Charles H. Callison  
Executive Vice President

CHC:lc

Enc.

\* Statement by Charles H. Callison, Executive Vice President, National Audubon Society, on the Draft Environmental Impact Statement, Proposed Grant Award for a Rookery Bay National Estuarine Sanctuary, Florida;

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As a cooperator and the principal landowner in the area involved, the National Audubon Society enthusiastically endorses the proposed Rookery Bay Estuarine Sanctuary. Creation of the Sanctuary will confirm and strengthen the purposes for which our Society, in collaboration with the Collier County Conservancy and the Nature Conservancy, and with the assistance of many generous donors, acquired our holdings in Rookery Bay. It confirms and undergirds the purposes for which we committed ourselves to conserve and protect the Sanctuary and its fish and wildlife resources in perpetuity.

We commend the vision of the Florida cabinet and in particular the leadership role of the State's Department of Natural Resources in identifying Rookery Bay as candidate for National Estuarine Sanctuary status, and for vigorously pursuing federal approval and the grant.

The National Audubon Society is proud to be a partner. We look forward with pleasure and confidence to our role as a cooperator with the State in the management of the Sanctuary.

---

\* Presented at Public Hearing held 7/26/77 at Naples, Florida

I wish to commend Robert R. Kifer and any colleagues who helped him for producing a concise and comprehensible Environmental Impact Statement. Instead of being inflated with irrelevant material and thousands of words of murky prose, it was easy to read, easy to understand, and easy to carry. I plan to suggest to the Council on Environmental Quality that it circulate this draft to other federal agencies as a model of how to write an Environmental Impact Statement.

My only criticism of the draft is that it is too restrained in describing the environmental benefits that will accrue to the community, to the State and to the Nation from the operation of the Rookery Bay National Estuarine Sanctuary.

The Sanctuary will protect a major unspoiled area of coastal wetlands that are a scenic and recreational amenity of almost inestimable value to the residents of Naples and Collier County. And to seasonal and vacation visitors who come here to escape the harsh winters and polluted environments of the North.

It will enable the State of Florida to acquire adjacent wetlands that are an integral part of the Rookery Bay ecosystem, thereby increasing the environmental amenities and guaranteeing their integrity in the future.

By protecting their essential breeding, feeding and nursery grounds, the Sanctuary will help preserve the bountiful marine life and the spectacular birdlife of Southwest Florida. Fish and shellfish for recreation and food, birds that lend beauty



and variety to the landscape, the mysterious and life-giving mangroves - incredibly productive - and clean water for boating, fishing and swimming: all contribute to the quality of the human experience and are therefore strong pluses in the human environment.

And the research that will be conducted here through the decades will make Naples and Collier County famous in scientific circles; and even more substantive than reputation, it will help guide the state and the Nation in the proper conservation and management of its coastal and marine resources. Thus the long range environmental benefits will be tremendous.

The authors of the Draft Environmental Impact Statement saw as "probable adverse impacts" a loss of resource use, restrictions on land and water use, and loss of tax revenues. "Loss of resource use" and "loss of tax revenues", I suppose, means removing the potential for residential or commercial development from the adjacent, or buffer, areas to be acquired. The core areas now owned by Audubon, Collier County Conservancy and The Nature Conservancy are not now available for such development, nor would they ever be. They are committed for sanctuary purposes in perpetuity. Some of the area to be acquired could not be dredged or filled under present federal and state laws.

The very presence of Rookery Bay Sanctuary as a resource base and environmental amenity adds to the economic value of every developed and developable piece of real estate in Naples.

This far more than offsets any potential loss of tax revenues on the lands to be included in the Sanctuary.

The "potential conflicts" with adjacent owners mentioned, such as in drainage projects and mosquito control activities, are not negative environmental impacts at all, as I see them. Instead they are management and operational problems to be worked out. Drainage and mosquito control policies that would be consistent with protecting the Rookery Bay ecosystem could only have beneficial environmental impacts themselves.

I hope the environmental benefits - the favorable impacts - will be given more emphasis in the final Environmental Impact Statement.



# National Audubon Society

950 THIRD AVENUE, NEW YORK, N.Y. 10022 (212) 832-3200 CABLE: NATAUDUBON

July 28, 1977

Mr. Charles Warren, Chairman  
Council on Environmental Quality  
722 Jackson Place N.W.  
Washington, D.C. 20006

Dear Mr. Warren:

I would like you to see this Draft Environmental  
Impact Statement prepared by the Office of Central  
Zone Management, National Oceanic and Atmospheric  
Administration. It is a model of brevity, clarity  
and relevance.

*Coastal*

I suggest you consider circulating it to all federal  
agencies that produce bulky and incomprehensible tomes  
in the name of the National Environmental Policy Act.

Best regards and good wishes.

Sincerely,

*Charles H. Callison*

Charles H. Callison  
Executive Vice President

CHC:lc

*no  
enclosure* → Enc.

*cc: Mr. Knecht*



# SPORT FISHING INSTITUTE

608 THIRTEENTH STREET, N.W. (SUITE 801)

WASHINGTON, D. C. 20005

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*Executive Secretary*

H. E. CLEPPER  
*Consulting Editor*

June 27, 1977

Dr. Robert R. Kifer  
Office of Coastal Zone Management  
3300 Whitehaven Street, N.W.  
Washington, DC 20235

Dear Dr. Kifer:

The Sport Fishing Institute has reviewed and fully supports the Draft Environmental Impact Statement for the Rookery Bay Estuarine Sanctuary Proposed Grant Award.

The one thing that the DEIS lacks is a tabular presentation of the fishes and aquatic invertebrates of the estuary. A table of the format used in table 2, page 10 would be very desirable.

Sincerely yours,

*G. C. Radonski*  
Gilbert C. Radonski  
Executive Secretary

GCR:abl

*The National Non-Profit Fish Conservation Organization*

# The Nature Conservancy

1800 North Kent Street, Arlington, Virginia 22209  
(703) 841-5300

July 6, 1977

Dr. Robert R. Kifer  
Office of Coastal Zone Management  
3300 Whitehaven Street, N.W.  
Washington, DC 20235

Dear Dr. Kifer:

The Nature Conservancy wishes to declare its firm and continuing support for the Estuarine Sanctuaries Program established by Section 315 of the Coastal Zone Management Act of 1972, and in particular for the creation of Rookery Bay Estuarine Sanctuary. Through participation in acquisition of over 3,350 acres of the area under consideration, although 2,897 acres were subsequently transferred for stewardship to the National Audubon Society and 73 acres to Collier County Conservancy, The Nature Conservancy has deeply involved itself in the process by which Rookery Bay Estuarine Sanctuary will hopefully become a reality.

As an excellent and unique example of an almost intact West Indian estuarine system, the proposed Rookery Bay Estuarine Sanctuary appropriately fulfills the intent of the Coastal Zone Management Act since it contains significant research potential, and is an outstanding representative of its biogeographic classification.

The goal of the Estuarine Sanctuaries Program, in which an attempt is made to avoid random designation of estuarine sanctuaries without regard to regional differentiation, parallels that of The Nature Conservancy, which currently is engaged in establishment of a limited number of carefully selected "model preserves" - areas of national ecological significance. Our development of such a program demonstrates our commitment to the type of ecosystem preservation which the Coastal Zone Management Act's Estuarine Sanctuaries Program seeks to accomplish.

The Rookery Bay Sanctuary not only fulfills the intent of the Estuarine Sanctuaries Program, but is an ecosystem well worth preserving in its own right. Both as a valuable commercial and sport fishery, and as a crucial habitat for a large diversity of fish, wildlife and birds, including three endangered species. Protection of this natural area will yield long-term benefits locally, state-wide and nationally.



Dr. Robert R. Kifer

-2-

July 6, 1977

The Nature Conservancy restates its philosophical support for creation of Rookery Bay Estuarine Sanctuary, in concurrence with the consistent practical support which we have extended in the past.

Sincerely,

  
Ray M. Culter, Director  
Land Stewardship

RMC/dcd

cc: Patrick F. Noonan, President  
The Nature Conservancy

